

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3366 of 2021**

Arising Out of PS. Case No.-85 Year-2020 Thana- MITHANPURA District- Muzaffarpur

VIKASH KUMAR Son of Pramod Patel Resident of Baloo Ghat Karpuri
Nagar, P.S.- Sikandarpur O.P. (Nagar), District- Muzaffarpur.

... .. Petitioner

Versus

1. The Union of India
2. The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Mazharul Hassan, Advocate
For the State	:	Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 11-08-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Mithanpura P.S. Case No. 85 of 2020 registered for the offence under Section 414/34 of the Indian Penal Code and Section 25(1-b)A/26/35 of the Arms Act and Section 8(2)(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution story, while the informant was checking the vehicle on 14.05.2020, three persons on one Bajaj Pulsar Motorcycle were coming from the side of Mushhari and when they were asked to stop they tried to flee away but on chase they were apprehended and disclosed their names. It is further alleged that on search, from the possession of this petitioner one loaded country made pistol, one mobile phone and 500 grams of

Ganja were recovered.

Learned counsel for the petitioner submits that one country made pistol and 500 grams of Ganja have been recovered from the possession of the petitioner. Learned counsel submits that petitioner has been falsely implicated in this case, however he is in custody in connection with this case since 15.05.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein one country made pistol and 500 grams of Ganja have been allegedly recovered from the possession of the petitioner, according to him the petitioner has been falsely implicated and there is no recovery from his conscious possession, he has got no criminal antecedent and has remained in jail in connection with this case since 15.05.2020, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, Muzaffarpur in connection with N.D.P.S. Case No. 34/2020 (arising out of Mithanpura P.S. Case No. 85 of 2020), subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.