

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.108 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- BARURAJ District- Muzaffarpur

Anand Kumar @ Gajju Son of Amar Singh Resident of Village - Rampur
Asli, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 20980 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

ANAND KUMAR @ GAJJU S/O AMAR SINGH RESIDENT OF
VILLAGE RAMPUR ASLI, PS SAHEBGANJ, DISTRICT
MUZAFFARPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 108 of 2021)

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 20980 of 2021)

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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

4 24-07-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start

of normal functioning of the Court.

Heard learned counsel for the petitioner in both the
applications and learned A.P.P. for the State.

In these two cases petitioner is seeking regular bail in



connection with N.D.P.S. Case No. 42 of 2020 arising out of Baruraj P.S. Case No. 93 of 2020 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code, Sections 25 (1-B)a, 26 and 35 of the Arms Act and Sections 8, 20 and 22 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act and in connection with Sahebganj P.S. Case No. 122 of 2020 registered for the offences punishable under Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story from the possession of the petitioner one loaded country-made pistol and two live cartridges together with one puria of charas were recovered. The petitioner has, however, remained in jail in connection with the first case since 01.06.2020 and in the second case with effect from 17.08.2020.

Learned counsel submits that in the first case, in the seizure list altogether 500 grams of charas has been shown vaguely recovered from the possession of all the three accused persons. In the F.I.R. no quantity has been mentioned.

Learned counsel further submits that there is no recovery of any looted property from the possession of the petitioner, in the second case the petitioner has been remanded by police on mere suspicion and till date TIP has not taken place.

Learned counsel further submits that the petitioner is



accused in four cases, however the petitioner is on bail in two cases i.e., Baruraj P.S. Case No. 82 of 2020 and Sahebganj P.S. Case No. 270 of 2020 whereas in Minapur P.S. Case No. 91 of 2020 and Baruraj P.S. case No. 93 of 2020 his prayer for bail is pending.

It is lastly submitted that co-accused Prabhat Kumar who is similarly situated with petitioner has been granted bail by this Court in Cr. Misc. No. 39091 of 2020 vide order dated 08.03.2020.

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

Considering the facts and circumstances of the case, considering that the quantity of charas allegedly recovered is 500 grams from joint possession of three persons but it is not made clear that how much charas had been recovered from the possession of this petitioner, so far as the recovery of one loaded country made pistol and two live cartridges are concerned, in connection with the same petitioner has remained in jail for almost one year, investigation against him is complete but the trial is not likely to take place in near future, similarly situated accused has been granted bail by this Court in Cr. Misc. No. 39091 of 2020, this Court directs release of the petitioner 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 and learned A.C.J.M.-I (W), Muzaffarpur in connection with N.D.P.S. Case No. 42 of 2020 arising out of Baruraj P.S. Case No. 93 of 2020 and in connection with Sahebganj P.S. Case No. 122 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.



Further condition that there being four criminal antecedents of the petitioner, this Court thinks it just and proper that till completion of trial in these two cases the petitioner shall keep on reporting once in every two months to the Station House Officer of Sahebganj Police Station within whose jurisdiction the petitioner is residing. His appearance shall be recorded in police station in every two months, in case the petitioner is required to go outside in connection with his employment he will furnish complete information, mobile number etc. to the S.H.O. of Sahebganj Police Station. Breach of this condition shall be reported by the police officer to the learned court below for action towards cancellation of bail bond.

Both the applications stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

