

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9498 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- MUZFFARPUR GRP CASE District-
Muzaffarpur

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1. MOHD. ANWAR Son of Mohd. Jaseem Resident of Mohalla - Maripur
Chauk, Ram Raji Road, Chitraguptpuri, Ward no.- 8, P.S.-
Kazimohammadpur, District - Muzaffarpur
 2. Mohd. Azharuddin Son of Mohd. Kasim Resident of Mohalla - Maripur
Chauk, Ram Raji Road, Chitraguptpuri, Ward no.- 8, P.S.-
Kazimohammadpur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to
remove the defects within four weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioners seek bail in a case registered for the
offence punishable under Section 401 & 414 of the Indian Penal
Code and Section 20 & 22 (b) of the N.D.P.S. Act.

Both the petitioners are said to have apprehended



by the police and from the possession of petitioner no.1 10 Ativan tablets of 2 mg each and two mobile phones and one small knife from the possession of petitioner no.2 was recovered.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. They are quite innocent and have been falsely implicated in this case merely on suspicion. No incriminating article has been recovered from their conscious physical possession. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is also submitted that co-accused, namely, Md. Zahid @ Guddu @ Giddi has been enlarged on bail by a co-ordinate bench of this court. The petitioners have been languishing in custody since 20.03.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Muzaffarpur Rail P.S. Case No.36 of 2020,



corresponding to N.D.P.S. Case No.17 of 2020, subject to the following conditions :

(1) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(3) The petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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