

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12659 of 2021

Arising Out of PS. Case No.-426 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Abhishek Kumar, S/o Sri Surendra Kumar, R/o village- Mohanpur, P.S.-
Kurhani, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Ratan Kumar, Advocate,

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 16-11-2021 The applicant/accused in Crime No. 426 of 2020 registered with Muzaffarpur (Sadar) Police Station for the offence punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code as well as Sections 20/22 of the NDPS Act by this application is seeking regular bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He submits that co-accused, Abhishek Kumar, son of Prem Patel in Criminal Misc. No. 23344 of 2021, Vicky Kumar in Criminal Misc. No. 19134 of 2021, Saurabh Kumar in Criminal Misc. No. 57197 of 2021 and Raushan Kumar in Criminal Misc. No. 15278 of 2021 are already released on bail by this Court in the same offence and as such, on the principle of parity, the present applicant is also entitled for bail.



It is further stated by the learned counsel for the applicant that co-accused, Abhishek Kumar, son of Prem Patel was having criminal antecedents as reflected in his bail order dated 26.08.2021 and therefore, criminal antecedent in respect of the another offences under Sections 420, 419, 467 and 468 of the Indian Penal Code pales into insignificance.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious and Charas weighing 150 gm which constitute intermediary quantity came to be seized from the applicant during the course of raid conducted by the prosecution on the basis of prior information.

I have considered the submissions so advanced and also perused bail orders passed in respect of the above mentioned bail applications by this Court by which co-accused are already released on bail during pendency of the trial.

Undoubtedly, case of the applicant is at par with those accused persons, who are already released on bail by this Court. The bail order of co-accused Abhishek Kumar, son of Prem Patel shows that despite having four criminal antecedents, he is already enjoying liberty under orders of this Court. Hence, the applicant also deserves the same treatment and therefore, the order:-



i. The application is allowed.

ii. The applicant/accused in Crime No. 426 of 2020 registered with Muzaffarpur (Sadar) Police Station for the offence punishable under Section 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code and Section 20/22 of the NDPS Act be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following condition:-

Considering that the applicant is getting involved in commission of offence while enjoying the privilege of bail, this Court directs that till conclusion of the trial in the present case the petitioner shall mark his attendance before the S.H.O. of Kurhani police station once in every two months, he will furnish complete address and mobile number with the S.H.O. and will keep him acquainted with his whereabouts even if he is outside the jurisdiction of the police station. Breach of this condition shall be reported by the S.H.O. to the learned court below for consequential action.

Bhardwaj/-

(A. M. Badar, J)

U		T	
---	--	---	--

