

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6570 of 2022

Arising Out of PS. Case No.-672 Year-2020 Thana- SARAIYA District- Muzaffarpur

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DHIRAJ @ CHHOTU, Son of Chandradeo Ray Resident of Village - Bagahi,
P.S. - Karja, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with D.R.I. (N.D.P.S.) Case No. 95/2020 arising out of Saraiya P.S. Case No. 672 of 2020 registered for the alleged offences under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act and Sections 20 and 22 of the NDPS Act.

As per prosecution case, police received information that some miscreants have gathered at an identified place for meeting in order to commit some offence. A raid was conducted at

the identified place and two of the co-accused persons were apprehended and other miscreants fled away from the spot. The co-accused named this petitioner as one of the persons who made good his escape. From the apprehended co-accused persons fire arms, ammunition and about 1 kg of opium was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. When there is absolutely no evidence against him, he has been named in this case merely on the basis of the confessional statement of the co-accused persons. Even during investigation, nothing came up against this petitioner. The petitioner was not caught from the spot and nothing incriminating has been recovered from his possession. Even there is no person who had seen the petitioner in company of other co-accused persons. Charge sheet has been submitted in this case and the petitioner is in custody since 23.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that he has been named in this case by co-accused persons.

Having regard to the submissions made on behalf of the parties and considering the absence of material against this petitioner except for the confessional statement of co-accused persons and further considering the submission of charge sheet as

well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge, Muzaffarpur, Bihar in connection with D.R.I. (N.D.P.S.) Case No. 95/2020 arising out of Sariya P.S. Case No. 672 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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