

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8308 of 2022

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

=====

SACHINDRA KUMAR YADAV S/o Phakira Rai @ Phakira Resident of
Village- Basatpur, Ward No.-8, P.S.- Srinagar, District- Sarlahi (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 68884 of 2022

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

=====

PRAKASH MAHTO @ OM PRAKASH PASWAN S/o Late Pasimaha Mahto
@ Kapileshwar Paswan R/o Lalbandi, Nagarpalika Ward no. 2, P.S.-
Lalbandi, Distt- Sarlahi(Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8308 of 2022)

For the Petitioner/s : Mr. Madhubala Verma

For the Opposite Party/s : Mr. Mohammed Arif

(In CRIMINAL MISCELLANEOUS No. 68884 of 2022)

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Nirmala Kumari

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Sursand P.S. Case No. 561 of 2021, registered for the

offences punishable under Sections 399, 402, 414 of the



Indian Penal Code; Sections 25(1-B)a, 26 and 35 of the Arms Act; and Sections 8, 20(b)(ii)(c) and 22 of the N.D.P.S Act.

As per allegation, 5 kgs contraband, mobiles, currency notes and other incriminating articles were recovered from the accused persons.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submit that no contraband articles were recovered from the conscious possession of the petitioners except *lathi, danda, mobile* and country made pistol. They also submit that search and seizure has not been made as per the procedure prescribed under the N.D.P.S. Act.

The petitioners have been languishing in jail since 10.12.2021.

It is also stated in paragraph no. 2 of the petition that the petitioners have not moved earlier before this Court either for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that



the petitioner, namely, Sachindra Kumar Yadav has no criminal antecedent and the petitioner, namely, Prakash Mahto @ Om Prakash Paswan has five criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the fact that no contraband has been recovered from the possession of the petitioners, they are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge, Sitamarhi, in connection with Sursand P.S. Case No. 561 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the



police or the court whenever their presence is required.

(iii) The petitioners 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 them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

Learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to



issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

ramesh/-

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

