

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16257 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- MUZFFARPUR GRP CASE District-
Muzaffarpur

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1. SONU KUMAR S/O GANESH BHAGAT R/o village- Majholiya, P.S.-
Minapur, District- Muzaffarpur
 2. Mithun Kumar S/o Vinod Rai R/o village- Mothahanmal, P.S.- Minapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The two petitioners are in judicial custody in
connection with Rail (Muzaffarpur) P.S. Case No.142/2021
(NDPS Case No.144/2021) instituted under Sections 401, 414
Indian Penal Code and Section 8/20 NDPS Act.

The FIR No. Rail (Muzaffarpur) P.S. Case
No.142/2021 (NDPS Case No.144/2021) was lodged against the
petitioners herein alleging therein that the rail police intercepted
both the petitioners and upon search a mobile and from another
pocket proline 2, lorazepam tablet I.P 2 is said to have been



recovered and from the possession tablet IP2 is said to have been recovered and from the possession of Sonu Kumar also Proline-2 Lorazepam tablet IP 2 was recovered/seized as they fail to produce any document for having those tablets the were taken into custody. It has further been alleged in the FIR that both the accused persons confessed that they make the passengers unconscious by using those tablets and then remove them of their belongings as they failed to produce any document they were taken into custody.

Learned counsel for the petitioners submit that they have been implicated in this case only because they have criminal antecedent and are in jail since the lodging of the FIR i.e. 09.10.2021 (as stated in para-10 of the bail application).

Taking into account that charge-sheet stands submitted and the petitioners are in jail since 09.10.2021 as also the fact that while the petitioner no.1 is 23 years old, petitioner no.2 is only 19 years age and they have a chance to amend themselves by leading a better life, this Court is inclined to grant them privilege of bail. However, as they have criminal antecedents strict conditions are being imposed.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with



two sureties of the like amount each in connection with Rail (Muzaffarpur) P.S. Case No.142/2021 (NDPS Case No.144/2021) to the satisfaction of learned Second Additional Sessions Judge, Muzaffarpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of their bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till the conclusion of the trial to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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