

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21882 of 2022

Arising Out of PS. Case No.-737 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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KRISHNA SINGH Son of Late Yogendra Singh Resident of village -
Naurangabagh, P.S. - Bettiah (T), District - West Champaran, Pin - 845438,
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Apurva Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offences punishable under Sections 408, 418, 420 of the Indian Penal

Code and section 42 of the Prisoner Act.

As per allegation, surprise inspection was made by the

District Magistrate and Superintendent of Police in the premises of

Bettiah Jail and the main gate of jail and from generator room some

objectionable articles such as cigarettes, tobacco etc were recovered

and as such petitioner and co-accused were made accused.

The main submissions advanced by the learned counsel

for the petitioner are that petitioner has been released on bail in



respect of all other cases including the case in which he was in judicial custody when the surprise inspection was made in the jail premises and he has been languishing in jail since 09.04.2019 and charge sheet has been submitted against the petitioner in the present case. Further submission is that one co-accused Kamraj Miyan @ Kamran Miyan carrying similar nature of allegation has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 64223 of 2019.

Learned APP has opposed the prayer for bail.

In view of above submissions and mainly considering the fact that recovery of alleged article is said to have been made from a generator room but FIR does not show that the recovery of alleged articles was made from conscious possession of the petitioner and accordingly, in the light of these facts as well as petitioner's case being on similar footing with aforesaid co-accused, this Court is inclined to grant bail to the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, West Champaran in Bettiah Nagar P.S Case No. 737 of 2018.

(Shailendra Singh, J)

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