

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34742 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Dhananjay Kumar S/O Late Baleshwar Singh R/o village- Harser, P.S.-
Swaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 22-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Ahiyapur P.S.
Case No. 59 of 2021 registered for the offences punishable
under Sections 20, 22 of N.D.P.S. Act and Section 25(1-b)a, 26,
35 of the Arms Act.

According to prosecution case, the informant
alongwith other police force proceeded to patrolling duty and
checking of vehicles and reached at Medical over-bridge and
started checking of vehicles, in that course, three persons sitting
on a motorcycle were seen coming from Sitamarhi direction and
as the informant signaled them to stop, they attempted to run
away but they were nabbed. The apprehended persons disclosed
their named as Prince Kumar @ Ayush Raj, Prince Kumar,
Dhananjay Kumar and from the possession of the Prince Kumar



one country made pistol, two live cartridges, 1/2 kg. Ganja, a mobile phone as well as an Apache motorcycle were recovered.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list only one loaded country made pistol has been recovered from the possession of the petitioner. He further submits that two live cartridges and 1/2 kg. Ganja has been recovered from the possession of the co-accused namely Prince Kumar. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Prince Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 15.02.2022 passed in Cr. Misc. No. 34091 of 2021. The petitioner is in custody since 26.01.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail but fairly submits that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Sessions Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 59 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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