

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24643 of 2022

Arising Out of PS. Case No.-732 Year-2020 Thana- SARAIYA District- Muzaffarpur

LUCKY KUMAR S/o Kanyhaiya Lal Sharma Resident of Village- Titra,
Parsa, P.S.- Parsa, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 414/34 of the Indian Penal Code and Section 20/22 of the N.D.P.S. Act.

300 gm of opium is said to have been recovered from the pocket of the petitioner.

This is the second attempt of the petitioner to approach before this Court for bail. Earlier, vide detailed order dated 08.09.2021 passed in Cr. Misc. No. 26056 of 2021, the



prayer for bail of the petitioner was rejected with a liberty to renew his prayer after six months.

It is submitted by learned counsel for the petitioner that now six months has gone by and he is languishing in custody since 13.11.2020. Similarly situated co-accused, namely, Pankaj Kumar Singh @ Pankaj Singh has been enlarged on bail by a co-ordinate bench of this court vide order dated 08.03.2022 passed in Cr. Misc. No. 44364 of 2021.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Saraiya P.S. Case No.732 of 2020, subject to the following conditions :

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in



court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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