

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33798 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- BODHGAYA District- Gaya

1. KARAN KUMAR @ PRIYA RANJAN KUMAR PANDEY Son of Shashi Bhushan Pandey Resident of Village - Balwapar, P.S.- Warsaliganj, District - Nawada (Bihar).
2. Arun Deva Son of Kumar A Resident of Mohalla - N.S. Paliya, B.T.M. Layout, P.S.- Micolayout, District - South Bengaluru (Karnataka)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40934 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- BODHGAYA District- Gaya

RAUSHAN KUMAR @ RAHUL KUMAR Son of Sidheshwar Yadav
Resident of Village - Bara, P.S.- Magadh University, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47567 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- BODHGAYA District- Gaya

SONU KUMAR Son of Birju Yadav Resident of Village - Dadpur, P.S.- M.U.
Bodhgaya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52460 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- BODHGAYA District- Gaya

AALOK KUMAR S/o BALIRAM YADAV R/o VILLAGE-BARA DADPUR
MAGADH UNIVERSITY (MAGADH VISHWAVIDYALAYA), DISTRICT-
GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64765 of 2021



Arising Out of PS. Case No.-9 Year-2021 Thana- BODHGAYA District- Gaya

CHANDAN KUMAR Son of Subhash Paswan Resident of Village - Dabur
Devi Asthan, P.s.- Koch, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33798 of 2021)

For the Petitioner/s : Mr.Rama Kant Singh

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

(In CRIMINAL MISCELLANEOUS No. 40934 of 2021)

For the Petitioner/s : Mr.Rama Kant Singh

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

(In CRIMINAL MISCELLANEOUS No. 47567 of 2021)

For the Petitioner/s : Mr.Sudhir Kumar Sinha

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

(In CRIMINAL MISCELLANEOUS No. 52460 of 2021)

For the Petitioner/s : Mr.Anil Kumar Saxena

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

(In CRIMINAL MISCELLANEOUS No. 64765 of 2021)

For the Petitioner/s : Mr.Rama Kant Singh

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-02-2022 Heard learned counsel for the petitioners and learned
APP for the State in all the aforesaid five bail petitions.

Since all these five bail applications arise out of the
same PS Case, they are being decided by a common order.

Petitioners seek regular bail in connection with Bodh
Gaya PS Case No. 09/2021 registered for the offence punishable
under Sections 419, 420, 467, 471, 472, 120(B) of the IPC and
Section 30(a) 37(i), 37(ii), 47 of Bihar Prohibition & Excise
Act, 2016 and Sections 20/22 of the NDPS Act.

As per the prosecution case, on 07.01.2021 at about



9:00 PM, the police on receipt of secret information, that several persons staying at Bharti Guest House are engaged in online cheating and creating nuisance after taking wine, raided the place of occurrence and apprehended these petitioners along with other accused persons. It is further alleged that several mobile phones, laptops, ATM cards, chargers, SIMs, Voter I-cards, bottles of wine and other articles were recovered from the possession of the accused persons. About 400 gm of Ganja was also recovered from another room.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. It is submitted that only mobile phones were recovered from the possession of these petitioners as would appear from perusal of seizure list. So far recovery of Ganja is concerned, the same was recovered from another room and no narcotic substance was recovered from the possession of these petitioners.

Learned counsel further submits that similarly situated co-accused persons, namely, Jubair, Chandrashekhar, Gajendra and Bilash Sinde *vide* Cr. Misc. No. 41954/2021 and Chandu, Deepak Azad, Prabhakar Kumar and Shiv Kumar *vide* Cr. Misc. No. 41953/2021 have been granted bail by a co-ordinate Bench



of this Court. He further submits that petitioners have got no criminal antecedent and they are in custody since 09.01.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court and petitioners having no criminal antecedent are in custody for more than a year i.e. since 09.01.2021, I am inclined to grant bail to the petitioners, subject to the condition that one of the bailors shall be a local resident residing in the territorial jurisdiction of learned trial court.

Accordingly, let all the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sessions Judge-cum-Special Judge, NDPS Act, Gaya in connection with Bodhgaya PS case No.09/2021

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(Anil Kumar Sinha, J)

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