

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27554 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- SAKRA District- Muzaffarpur

Manish Kumar, S/o Ramdarash Sahani R/o village- Shahpur Maricha, P.S.-
Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and the
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 petitioner is in judicial custody in connection
with Sakra P.S. Case No.42/2022 instituted under Sections
412/34 I.P.C., 8/20/22 N.D.P.S. Act & 25(1-b)a, 26/35 Arms
Act.

As per the allegation in the FIR, the police in course
of patrolling, saw two motorcycles standing on the road. As the
police approached them, one of the motorcycle escaped from the
place. However, the second one on which three persons were
riding were intercepted and upon search from the handle of the
motorcycle, a bag was recovered/seized in which 1 Kg. ‘*Ganja*’
like material was recovered. Further from the pocket of



Chandan Kumar a loaded pistol and two live cartridges and a mobile was recovered/seized. So far as this petitioner is concerned, from his pocket one mobile was recovered/seized. Lastly from Kundan Kumar, nothing was recovered. So far as the motorcycle is concerned, as per the FIR, Kundan Kumar accepted it to be his motorcycle.

Taking into account the fact that from the possession of the petitioner a mobile has been recovered which the petitioner claims to be his own and is in custody since 31.01.2022 (as stated in para-9 of the bail application) has no criminal antecedent and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail. However, if it is found that contrary to the statement made in para-3 he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Sakra P.S. Case No.42/2022 to the satisfaction of learned District & Sessions Judge-cum-Special Judge, Muzaffarpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner 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 his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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