

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.39705 of 2021**

Arising Out of PS. Case No.-155 Year-2021 Thana- SITAMARHI District- Sitamarhi

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AJIT KUMAR @ AJEET KUMAR S/o Dhruv Narayan Rai @ Dhurup  
Narayan Ray R/O Village - Dostpur, Ward No. -12, P.S. - Bathnaha, Dist. -  
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India through S.P. Sitamarhi. Bihar

... .. Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Alok  
For the Opposite Party/s : Mr.Anil Kumar, APP.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      03-02-2022                      Heard learned counsel for the petitioner and learned  
  
Additional Public Prosecutor for the State in virtual court  
  
proceeding.

Let the defects, as pointed out by the office, be  
  
removed within four weeks of start of normal functioning of the  
  
physical court.

Petitioner seeks bail in connection with Sitamarhi P.S.  
  
Case No. 155/ 2021 registered for the offences punishable  
  
under Sections 414/34 of the IPC and 20/22 of N.D.P.S. Act.

As per prosecution case, total 30 pudiya of Ganja was  
  
recovered from possession of co-accused Saroj Kumar and Anuj  
  
Kumar and one kg. Ganja was recovered from their house. A  
  
motorcycle is also said to have been recovered without any



paper.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the FIR and seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from possession of co-accused Saroj Kumar and Anuj Kumar. He further submits that name of the petitioner has been transpired on the basis of confessional statements of co-accused Saroj Kumar and Anuj Kumar. Petitioner is in custody since 27.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries three criminal antecedent but on the basis of material on record he fairly submits that it appears from the case diary that nothing has been recovered from conscious possession of the petitioner.

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 Special Judge, Sitamarhi in connection with Sitamarhi P.S. Case No. 155/ 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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