

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31669 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- KATRA District- Muzaffarpur

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Murari Kumar @ Guddu Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Chandra Shekhar Anand
For the Opposite Party/s	:	Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 26-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Katra P.S. Case No. 91 of 2022 registered for the offences under Sections 399, 402 of the Indian Penal Code, under Sections 25(1-B)a, 26, 35 of the Arms Act and under Sections 20/22 of the N.D.P.S. Act.

As per allegations, the police got information acting upon which proceeded to conduct raid at the alleged place, on seeing the police personnel the accused persons tried to flee but three persons were apprehended while other persons managed to



escape from the scenario. On interrogation, the apprehended persons disclosed the name of persons who escaped from the scenario. Further it is alleged that upon making search two country-made pistols were recovered from the possession of the accused persons along with some live-cartridges and from the house of the accused namely Uttam Rai 1250 grams of narcotic material suspected to be Ganja was also recovered.

The main submissions advanced by learned counsel Mr. Chandra Shekhar Anand for the petitioner are that the petitioner has got no criminal antecedent and has been languishing in jail since 15th March, 2022. Further submission is that the petitioner's name surfaced in the disclosure statement of co-accused person, no any incriminating articles has been recovered from the possession of the petitioner and he was not arrested from the alleged spot. The alleged narcotic material suspected to be Ganja weighing 1250 grams was recovered from the other co-accused persons.

Learned APP Mr. Bharat Bhushan appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the seizure lists attached to the FIR. As per the allegation appearing against the petitioner from the FIR no any objectionable or in-



criminating material was recovered when he was searched and he was not arrested with the co-accused persons at the initial stage of the police raid and in following with the disclosure statement made by the co-accused person the police raided the house of this petitioner and apprehended this petitioner. Though as per the FIR the present case relates to recovery of 1250 grams narcotic material suspected to be Ganja but the same is alleged to have been recovered from the possession of the co-accused person Uttam Rai. As per the statement made above in Paragraph No. 3 the petitioner has got no criminal antecedent and he has been languishing in jail since 15th March, 2022 and he is stated to be a labourer. Considering these facts as well as petitioner's custody period, in my view a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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 concerned Court in Connection with Katra P.S. Case No. 91 of 2022, on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates with-



out 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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