

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42862 of 2021

Arising Out of PS. Case No.-385 Year-2021 Thana- DANAPUR District- Patna

RAHUL KUMAR CHAUDHARY S/O KALENDRA CHAUDHARY @
FULENDRA CHAUDHARY R/O-MUSLAHPUR HAT, SAHGANJ, P.S-
SULTANGANJ, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-02-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

The petitioner seeks regular bail in connection with Danapur P.S. Case No. 385/2021 (Spl. Case No. 56/2021), registered for the offence punishable under Section 412 of the Indian Penal Code, Sections 20(b)(ii)(B) of the NDPS Act and Section 25(1-b)a/26/35 of the Arms Act.



The police is stated to have arrested two miscreants on suspicion while one miscreant had managed to flee away and as far as the petitioner is concerned, one country made loaded pistol with five live cartridges was recovered from the left waist of the petitioner apart from recovery of one magazine having four live cartridges from the right pocket of the trouser of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 9.6.2021. The learned counsel for the petitioner has further submitted that though 1.650 kg. ganja was recovered from the possession of the co-accused person, however, as far as the petitioner is concerned, no narcotic substance has been recovered from his conscious possession and only one country made loaded pistol and one magazine containing four live cartridges have been recovered from the person of the petitioner. The learned counsel for the petitioner



has further submitted that the petitioner has already been suitably punished inasmuch as he is languishing in custody since about nine months.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, apart from the fact that he is languishing in custody since about nine months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Spl. Judge, Patna in connection with Danapur P.S. Case No.



385/2021 (Spl. Case No. 56/2021).

(Mohit Kumar Shah, J)

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