

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43569 of 2021

Arising Out of PS. Case No.-104 Year-2021 Thana- KANTI District- Muzaffarpur

JITENDRA KUMAR Son of Satya Narain Prasad Resident of Village- Kanti
Kothiya, P.S.- Kanti, Distt. - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Kanti Police Station Case No. 104 of 2021, registered for the
offences punishable under Sections 399/ 400/402 of the Indian
Penal Code, Sections 20/22 of the N.D.P.S. Act and Sections 25
(1-b)a/26/35 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information that
7-8 miscreants have assembled near the Housing Board Office
at NH-28, proceeded towards the place of occurrence and upon
seeing the police, they started fleeing away and two accused
persons managed to escape, however, the petitioner along with
five other accused persons were apprehended and from the



possession of the co-accused persons, 325 grams of “Charas” and one country-made pistol were recovered.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that no incriminating article has been recovered from the possession of the petitioner; rather the charas has been recovered from the possession of co-accused Md. Sahid, who has been granted bail by this Court, vide order passed in Criminal Misc. No. 35168 of 2021. He further submits that similarly situated co-accused Deepak Kumar has been granted bail by co-ordinate Bench of this Court, vide order passed in Criminal Misc. No. 28405 of 2021. He further submits that petitioner is in custody since 12.02.2021, having no criminal antecedent.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, similarly situated co-accused persons have been granted bail by this Court and he is in custody since 12.02.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge -cum- Special Judge, NDPS, Muzaffarpur, in connection with Kanti Police Station Case No. 104 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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