

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35066 of 2022

Arising Out of PS. Case No.-846 Year-2020 Thana- SARAIYA District- Muzaffarpur

ARVIND KUMAR Son of Nandu Rai Resident of Village - Raghunathpur,
P.S.- Paru, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate

For the Opposite Party/s : Ms.Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 07-07-2022

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 414/34 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20 and 22 of the NDPS Act.

Earlier also, petitioner had moved this Court for grant of regular bail which was rejected vide Annexure 1.

Informant who is police officer has alleged in his written report that in course of vehicle checking he saw 4 miscreants boarded on two motorcycle and on seeing the police party they tried to flee away, however, one of them was apprehended and rest managed to escape. The apprehended accused disclosed his name as Arvind Kumar (petitioner) and also his other accomplice who managed to escape. From the

possession of petitioner one country made pistol, 2 live cartridges and 1 Kg of ganja was recovered.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case. It is further submitted that recovery is of one kg. of Ganja which comes under small quantity as per schedule of N.D.P.S. Act. It is further submitted that two co-accused persons, who managed to flee away from the spot, have already been granted anticipatory bail by a co-ordinate Bench of this Court.

Petitioner has got no criminal antecedent and is in custody since 24.12.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Saraiya P.S. Case No. 846/2020 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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