

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46814 of 2021

Arising Out of PS. Case No.-170 Year-2021 Thana- KANTI District- Muzaffarpur

Ravi Kumar Son of Jitendra Mahto Resident of Village - Sahpur, P.S. Kanti,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 11-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kanti P.S.

Case No. 170 of 2021 registered for the offences under Sections
399, 400 and 402 of the Indian Penal Code and Sections 25(1-
b)a, 26 and 35 of the Arms Act and Sections 20 and 21 of the
N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.03.2021.

The allegation against the petitioner is to be found in
association with other co-accused persons, who have in



possession of 325 gm of contraband i.e. “*Charas*” and fire arms like loaded country made pistol, country made revolver and one live cartridge.

Learned counsel appearing on behalf of the petitioner submitted that nothing recovered from the conscious physical possession of petitioner, as per seizure list. It has been submitted that petitioner is a man of clean antecedent and also nothing surfaced during course of investigation, which may connect petitioner with the alleged recovery or occurrence. It has also been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 65140 of 2020 dated 05.05.2022. It has further been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing incriminating has been recovered from the conscious physical possession of the petitioner, which may connect petitioner with present occurrence coupled with the fact that charge-sheet has been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Kanti P.S. Case No. 170 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge I/C, Muzaffarpur, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Suraj Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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