

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40142 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- MOKAMAH District- Patna

1. MITHILESH BIND S/O KIRO BIND Resident of village- Barahpur, P.S.- Mokama, District- Patna.
2. ANIL KUMAR @ KURRA S/O LATE LAXMI BIND Resident of village- Barahpur, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-08-2022 Heard Dr. Kamal Deo Sharma, learned counsel for the petitioners and Mr. Chandra Bhushan Prasad, learned Additional Public Prosecutor appearing for the State.

Petitioners seek regular bail in connection with Mokama P.S. Case No. 106 of 2021 registered for the offence punishable under Sections 20(b)(ii)B, 22 of N.D.P.S. Act, Sections 399, 402, 411, 414 of the Indian Penal Code 1860, Sections 25(1-b)a, 26 and 35 of the Arms Act.

This is second attempt for grant of regular bail on behalf of the petitioners inasmuch as earlier the bail application of the petitioners was rejected by this Court vide order dated 1.4.2022 passed in Cr. Misc. 49441 of 2020 with liberty to



renew his prayer for grant of regular bail after three months.

As per the First Information Report, the Police on the basis of secret information that some miscreants have assembled with arms and ammunition in the garden situated near the Petrol Pump and were planning to commit dacoity, proceeded towards the place of occurrence and arrested the petitioners and other accused persons. On search, one country made pistol and two empty cartridges from possession of petitioner No. 1 and one loaded country made pistol from possession of petitioner No. 2 have been recovered. It has further been alleged that 1.8 kg. of *Ganja* kept in a bag has allegedly been recovered from the handle of the Motorcycle parked near the place of occurrence.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case by the Police. He further submits that the Motorcycle from where the *Ganja* has been recovered, does not belong to the petitioners and this fact is mentioned in paragraph-10 of this application. He next submits that co-accused Mukesh Kumar, Haro Bind and co-accused Nitish Kumar have been granted bail by this Court as well as co-ordinate Bench of this Court in Cr. Misc. 48488 of 2021 and 45697 of 2021 respectively. The petitioners are in custody since 9.4.2021 and charge sheet has already been



submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that petitioners are in custody since 9.4.2021 and they are not the owner of the Motorcycle from where the *Ganja* was recovered and other co-accused persons have been granted bail by this Court, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXIV, Patna, in connection with Mokama P.S. Case No. 106/2021.

(Anil Kumar Sinha, J)

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