

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51583 of 2021

Arising Out of PS. Case No.-245 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

GAUTAM KUMAR S/o LATE DHARMENDRA RAI R/o VILLAGE-
GARAHAH, P.S.- AHIYAPUR, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Ahiyapur Police Station Case No. 245 of 2021, registered for the offences punishable under Sections 399/402/411/414/34 of the Indian Penal Code, Sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 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 some miscreants have assembled near the lichi orchard to commit crime, proceeded towards the place of occurrence and arrested five accused persons, including the petitioner and from possession of the petitioner, one Apache motorcycle, one smart



phone and 750 grams of ganja has been recovered.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case by the police. He further submits that the motorcycle, which was recovered from the possession of the petitioner, is not a looted motorcycle and the fact of the matter is that the petitioner had borrowed the same from his friend. He further submits that the ganja, recovered from the possession of the petitioner, is less than the commercial quantity. He further submits that similarly situated co-accused persons, namely, Dipesh Kumar (vide order, dated 24.09.2021, passed in Criminal Misc. No. 38617 of 2021) and Ram Das Kumar (vide order, dated 25.02.2022, passed in Criminal Misc. No. 43597 of 2021) have been granted bail by co-ordinate Bench of this Court. He further submits that the petitioner is in custody since 04.04.2021, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that ganja, recovered from the possession of the petitioner, is less than the commercial quantity, similarly



situated co-accused persons have been granted bail by this Court, charge sheet has already been submitted and the petitioner is in custody since 04.04.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 25,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge, Muzaffarpur, in connection with Ahiyapur Police Station Case No. 245 of 2021.

This is subject to the condition that the petitioner shall co-operate in the trial and shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

