

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56098 of 2021

Arising Out of PS. Case No.-419 Year-2020 Thana- NAGAR District- Vaishali

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Santosh Kumar @ Santosh Chaudhary @ Netaji S/O Bhaiyalal Chaudhary @
Munsilal Chaudhary R/O Bagmusa, P.S-Hajipur Town, District-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 30-03-2022 The applicant is given out of turn hearing on account

of ill health of his mother which was found to be true upon

inquiry by police.

The applicant is accused in Crime No. 419 of 2020
registered with Hajipur Town Police Station for the offences
punishable under Sections 399/402 of the Indian Penal Code as
well as Sections 25(1-b)a, 26 and 35 of the Arms Act and
Sections 20/22/23/24/27/27A/29 of the N.D.P.S. Act. By this
application he is seeking his release on bail during pendency of
the trial after filing of the charge sheet.

Heard the learned counsel appearing for the
applicant/accused as well as learned Additional Public
Prosecutor appearing for the State.

According to the prosecution case, on 30.06.2020



team of Hajipur Town Police Station was doing routine patrolling. It has received information that some persons are indulging in conspiracy. During course of patrolling, the police team saw few young persons gathered near Nepali Chhavani. Police managed to apprehend four persons but one succeeded in fleeing from the spot. From four persons apprehended by police, Charas as well as fire-arms and bullet came to be seized. It is case of the prosecution that on the basis of interrogation with four apprehended accused persons, it is learned that the person fleeing from the spot was the present applicant. That is how the present applicant is arrested in the subject crime.

Evidence against the applicant, according to the prosecution case, is that on statement of co-accused made to police which is an inadmissible confession. It is not the case of the prosecution that any Narcotic substances or psychotropic drugs came to be seized from the applicant. The learned counsel for the applicant has argued that in fact the applicant was taken in custody in the subject crime by remanding him to the subject crime from some other crime.

The learned Additional Public Prosecutor opposed the application.



Investigation of the crime in question is over.

Hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 419 of 2020 registered with Hajipur Town Police Station be released on bail on executing P.R. bond of Rs.25,000/- (Rupees Twenty-five Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith



and the Registry to issue the certified copy of this order only
after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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