

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50214 of 2021

Arising Out of PS. Case No.-368 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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PANKAJ KUMAR S/o Late Bahadur Sah Resident of Village- Raghunathpur
Donwa, P.S.- Sakara, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53396 of 2021

Arising Out of PS. Case No.-368 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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RAUSHAN KUMAR SINGH Son of Kundan Kumar @ Kundan Kumar
Singh Resident of Village - Purushottampur, P.S.- Maniyari, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56883 of 2021

Arising Out of PS. Case No.-368 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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RAJA SINGH Son of Ashok Singh Resident of Village- Lakhansen, P.S.-
Baruraj, District- Muzaffarpur, At present residing at Village- Sahebganj
Pratappatti, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 50214 of 2021)

For the Petitioner/s : Mr.Kaushal Kishor

For the Opposite Party/s : Mr.Rajendra Nath Jha

(In CRIMINAL MISCELLANEOUS No. 53396 of 2021)

For the Petitioner/s : Mr. Manish Kumar Singh Adv.

Mr.Hari Kishore Thakur, Adv.



submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. as well as seizure list that one motorcycle and a mobile have been recovered from the possession of the co-accused, Pankaj Kumar, who is petitioner in Cr. Misc. No.50214 of 2021. He further submits that one country made loaded pistol with five live cartridges along with mobile phone has been recovered from Raja Singh, who is petitioner in Cr. Misc. No. 56883 of 2021 and from the possession of Raushan Kumar Singh, who is petitioner in Cr. Misc. No. 53396 of 2021, one mobile phone with country made loaded pistol has been recovered whereas one Kilogram Ganja along with mobile phone has been recovered from the accused, Rahul Kumar Jha, who is not the petitioner in any of the cases. He further submits that since the alleged recovery of Ganja is said to have been made from the possession of co-accused, Rahul Kumar Jha, no case is made out against the petitioners under the NDPS Act. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 13.05.2021.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioner, namely, Raja Singh, carries four more cases other than the present one and the petitioner, Raushan Kumar Singh carries two more cases other than the present one whereas the petitioner, Pankaj Kumar, bears no criminal history.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with N.D.P.S. Case No.42 of 2021 arising out of Muzaffarpur Town P.S. Case No. 368 of 2021 with the following conditions:-

(1) Petitioners 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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