

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56296 of 2021

Arising Out of PS. Case No.-261 Year-2021 Thana- AHYAPUR District- Muzaffarpur

Md. SHAMSAD Son of Md. Sagir Resident of Mohalla - Pamaria Tola,
Laxmi Chowk, P.S.- Brahmpura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, App

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 29-03-2022

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 399, 402 and 34 of the Indian Penal Code and Sections 25(1-b)a,26,35 of the N.D.P.S. Act.

Informant who is a Police Officer has alleged that on 08.04.2021 at around 04:55 a.m., he got a secret information that 6-7 persons are sitting beneath the Dadar bridge with Arms and ammunition, over which, he along with the police personnel reached there and surrounded the bridge and on seeing the police party, the accused persons tried to flee away. However, on chase, four persons were apprehended and three persons managed to flee away. Thereafter, on search, from the possession of arrested accused, namely, Ujjawal Kumar Pandey, a country made pistol with three live cartridges, one motorcycle and one

mobile were recovered and from possession of another arrested accused, namely, Manish Kumar, ½ kg. Charas and one phone were recovered and from possession of another accused, Abhishek Kumar, two live cartridges was recovered. The arrested accused persons disclosed the name of three fled away accused persons and one of them was this petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that petitioner was neither apprehended on the spot nor any incriminating material was recovered from his possession. Petitioner has no criminal antecedent and he is in custody since 24.07.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with D.R.I. (N.D.P.S.) Case No. 35 of 2021 arising out of Ahiyapur P.S. Case No. 261 of 2021 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--