

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58258 of 2021

Arising Out of PS. Case No.-713 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Sikram Kumar @ Sikram Sahni, S/o- Kapal Sahni, R/o Village- Basant, P.S.-
Jale, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-09-2022 A supplementary affidavit has been filed on behalf of

the petitioner bringing on record the correct position of the

criminal antecedent of the petitioner.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Santosh Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Ahiyapurpur P.S. Case No. 713 of 2020,
corresponding to NDPS Case No. 72 of 2020 registered for the
offences punishable under Sections 414, 412 of the Indian Penal
Code and Sections 20/22 of the Narcotic Drugs and
Psychotropic Substances Act.



In course of patrolling, the informant on a secret information with regard to assemblage of miscreants raided the house of co-accused Sunil Mahto and apprehended two persons, namely, Chintu @ Jhamu and Amarjeet @ Anarjeet. The apprehended persons also disclosed the name of the persons, who succeeded in fleeing away, including the petitioner. Certain incriminating materials have been recovered from the possession of the apprehended persons.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his possession and so far the recovery is concerned, the same has been made from the house of co-accused Sunil Mahto and Puja Devi. He further submits that the name of the petitioner has been disclosed by co-accused Amarjeet Sahni@ Anarjeet Sahni, who has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 13185 of 2021 vide order dated 22.07.2021. He also submits that only on account of past criminal antecedent of the petitioner, his name has been implicated in this case, as the petitioner is named in seven other criminal cases, besides the present one. While concluding his submission, he lastly submits that the petitioner is in custody



since 27.11.2020.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent of similar nature of crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been disclosed by the apprehended co-accused, who has already been granted bail by the learned coordinate Bench of this Court, apart from the incarceration of the petitioner since 27.11.2020, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Muzaffarpur in connection with Ahiyapur P.S. Case No. 713 of 2020 (NDPS Case No. 72 of 2020), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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