

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57715 of 2021

Arising Out of PS. Case No.-478 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Santosh Kumar Mishra, Son Of Late Indra Kant Mishra Resident Of Mohalla
- New Colony Balughat, P.S.- Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha
For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Ahiyapur
P. S. Case No.478 of 2021, instituted for the offences under
Sections 399, 402, 34 of the Indian Penal Code, Sections
8/20(b)(ii)(B) of the N.D.P.S. Act and under Sections 25(1-b)a,
26, 35 of the Arms act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 22.07.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

Allegation is of recovery of one mobile with two
SIMs and as far as allegation of recovery of arms and charas are



concerned, the same is from accused Sonu Kumar. Further the motorcycle has been recovered from the possession of Ranjit Kumar @ Ranjit. The learned counsel submits that petitioner has been falsely implicated in the present case and even assuming what has been alleged is true, then the specific allegation of recovery of a mobile with two SIMs.

Learned A.P.P. opposes the bail application and submits that the impugned order records that from petitioner, 500 grams of charas was recovered. The said submission of the learned A.P.P. is rebutted by the learned counsel for the petitioner by relying on the F.I.R. to show that the recovery from the petitioner is only of a mobile with two SIMs and it is submitted that the impugned order inadvertently records that charas was recovered from the possession of the petitioner.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and taking into consideration the submission made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge,



N.D.P.S., Muzaffarpur in connection with Ahiyapur P. S. Case
No.478 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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