

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 49363 of 2022**

Arising Out of PS. Case No.-350 Year-2022 Thana- KHAGARIA District- Khagaria

SURENDRA SHARMA, aged about 35 years (Male), son of Mr Jai Prakash Sharma, resident of Village – Ahuna, PS – Alauli, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Khagaria (Mufassil) Police Station (for brevity, PS) Case No 350 of 2022, Narcotic Drugs and Psychotropic Substances (for brevity, NDPS) Special Case No 20 of 2022 registered for the offence punishable under Sections 399, 400, 402, 307, 323, 332 of Indian Penal Code, Sections 25 (1-b) a, 26, 27, 35 of Arms Act and Sections 20/22 of NDPS Act.

It is alleged that on information that anti social elements had assembled for preparing to commit dacoity, the police party has reached at the Basa of one Kanti Devi. The



persons, who were there at the Basa, resorted to firing toward off the police party and, thereafter, they started fleeing away, including the petitioner. From the possession of the petitioner, there is a recovery of one Vivo Company mobile phone.

Learned counsel for the petitioner submits that having no antecedents, the petitioner has been arrested in the said circumstance and continues to be in custody since 24.04.2022. It is further submitted that the petitioner has become a victim of the circumstance. There is no recovery of any incriminating material from him and he has suffered imprisonment because he was in the vicinity.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody and the fact that the only recovery attributed is of a mobile phone, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge V -cum- Special Judge, NDPS, Khagaria in Khagaria (Mufassil) PS Case No 350 of 2022, NDPS Special Case No 20 of 2022



subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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