

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.62330 of 2021**

Arising Out of PS. Case No.-672 Year-2020 Thana- SARAIYA District- Muzaffarpur

=====

AJEET KUMAR S/O RAM NARESH RAI R/o village- Manua, P.S.- Sadar  
Hajipur, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Ravi Bhardwaj

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
ORAL ORDER

4      08-08-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with D.R.I. (N.D.P.S.) Case No. 95/2020 arising out of Sariya P.S. Case No. 672 of 2020 registered for the alleged offences under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act and Sections 20 and 22 of the NDPS Act.

As per prosecution case, police received information that some miscreants have gathered at as identified place for meeting in order to commit some offence. A raid was conducted



at the identified place and two of the co-accused persons were apprehended and other miscreants fled away from the spot. The co-accused named this petitioner as one of the persons who made good his escape. From the apprehended co-accused persons fire arms, ammunition and about 1 kg of opium was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. When there is absolutely no evidence against him, he has been named in this case merely on the basis of the confessional statement of the co-accused persons. Even during investigation, nothing came up against this petitioner. The petitioner was not caught from the spot and nothing incriminating has been recovered from his possession. Even there is no person who had seen the petitioner in company of other co-accused persons. The petitioner has been made accused in three other cases including the instant one on the same day. Learned counsel further submits that the petitioner has been made accused in altogether four cases in which he is enjoying privilege of bail in such three cases and in the fourth case he has been granted bail but the bail bonds will be accepted after framing of the charge. Charge sheet has been submitted in this case and the petitioner is in custody



since 18.03.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that he has been named in this case by co-accused persons.

Having regard to the submissions made on behalf of the parties and considering the absence of material against this petitioner except for the confessional statement of co-accused persons and further considering the submission of charge sheet as well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Session Judge-cum- Special Judge, Muzaffarpur in connection with D.R.I. (N.D.P.S.) Case No. 95/2020 arising out of Sariya P.S. Case No. 672 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/-

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