

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62958 of 2021**

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

VISHWAJIT KUMAR @ BISHWAJIT KUMAR @ RAJA KUMAR S/o
Munna Prasad R/o Village- Kolhua Paighambarpur, P.S.- Ahiyapur, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 25-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402 and 34 of the Indian Penal Code read with Sections 8, 20 (b)(ii) (B) of the N.d.P.S. Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.

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

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant himself has stated that nothing was recovered from the possession of the petitioner, it is also



submitted that as far as recovery of *charas* and firearm is concerned, the same was recovered from other co-accused persons named in the F.I.R. Learned counsel thus submits that petitioner was implicated merely because he was found present at the place of occurrence despite nothing being recovered from his possession.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted in the case and nothing was recovered from his possession, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ahiyapur P.S. Case No. 478 of 2021.

(Satyavrat Verma, J)

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