

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54746 of 2022**

Arising Out of PS. Case No.-109 Year-2022 Thana- MUZZFARPUR GRP CASE District-
Muzaffarpur

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AMAN KUMAR @ AMAN RAJ SON OF SRI MADAN SAH R/O
MOHALLA- MARIPUR, P.S.- KAZIMOHAMMADPUR, DISTT.-
MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Rail P.S. Case No.111 of 2022 instituted under Section 401
of the Indian Penal Code and Section 22(a) of the N.D.P.S. Act.

As per the prosecution story, the police upon secret
information tried to nab two persons. Although one of them
managed to escape, the other Md. Guddu was apprehended and
from him Loraze Pam 2 mgs (ten tablets) were recovered/seized.
As it comes within the purview of the N.D.P.S. Act and he had
no document to show, he was taken into custody and F.I.R. was



lodged. The further allegation in the said F.I.R. is that upon interrogation he named this petitioner as the person who fled away from the scene and it was his further contention that they mix these tablets with the Biscuit or Tea after taking the passengers in confidence as a result whereof they become unconscious and after cutting their pocket they leave with the valuables.

Learned counsel for the petitioner submits that as would reflect from the FIR itself, one Md. Guddu was apprehended from whom the alleged tablets were recovered. He was not arrested from the place of occurrence and only because of the confessional statement made by said accused, he was arrested and in custody since 21.05.2022 (as stated in para-12 of the bail application). He further submits that if released on bail he will try to reform himself considering that he is only 21 years of age.

Taking into account the fact that he is in custody since 21.05.2022, the recovery is from Md. Guddu and on whose confessional statement he has been taken into custody, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing



bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Rail P.S. Case No.111 of 2022 to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge, N.D.P.S. Act, Muzaffarpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave his district (Muzaffarpur) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan/
Ajay

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