

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56115 of 2022

Arising Out of PS. Case No.-504 Year-2022 Thana- KANTI District- Muzaffarpur

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ASHUTOSH KUMAR @ SONU KUMAR S/O PRAVIN KUMAR Resident
of Mithanpura P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kanti
P.S. Case No. 504 of 2022 registered for the offences punishable
under Sections 399/400/401/402/414/411 of the Indian Penal
Code and Section 25(1-b)a, 26/35 of the Arms Act read with
Section 8/21(b) of the N.D.P.S.Act, 1985..

As per prosecution case, there is alleged recovery
of 10 gram heroine from possession of co-accused Pankaj
Kumar and one pistol with one live cartridge from possession of
co-accused Chhotu Kumar. Nothing has been recovered from
the possession of apprehended petitioner and remaining others.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.07.2022. Petitioner bears one



criminal antecedent when he was juvenile. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has falsely been implicated in the present case. Petitioner has no concern with the alleged occurrence nor he has any concern with the co-accused persons. Petitioner was apprehended from his house and implicated in this case at the instance of enemy of his family.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, nothing has been recovered from the possession of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Muzaffarpur in



connection with Kanti P.S. Case No. 504 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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