

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67291 of 2021

Arising Out of PS. Case No.-453 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Bachhu Kumar @ Bacchu Kumar @ Bachchu Kumar Son of Mohan Rai
Resident of Village- Shahwajpur, P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Radhe Shyam, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-05-2022 Heard the parties.

Let the defect(s), if any, as pointed out by the office
be removed within a period of four weeks.

The petitioner is in custody in connection with
Ahiyapur P.S. Case No. 453 of 2021 under sections 399, 402,
401, 34 of the Indian Penal Code, sections 8, 20(b)(ii)(B) of
NDPS Act and Section 25(1-b)a, 26 and 35 of the Arms Act.

As per the allegation, the police got information that
accused persons have assembled and they are planning to
commit a big incident. Accordingly, the police proceeded to the
spot and apprehended altogether six accused persons including
the petitioner herein.

The allegation against the petitioner is that upon
search, a mobile phone and three live cartridges were recovered



from his possession. Accordingly, the FIR came to be instituted and he was taken into custody and is in jail since 14.7.2021 (as stated in para-11 of the bail application). Learned counsel for the petitioner further submits that he does not have any criminal antecedent. He further submits that the police has implicated him and accordingly three live cartridges have been shown to be recovered from his possession.

Considering the fact that the charge-sheet stands submitted and the petitioner does not have any criminal antecedent and he is in jail since 14.7.2021; this Court is inclined to grant him the privilege of bail. However, if it is found that the petitioner has any criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Additional Sessions Judge-V, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 453 of 2021 subject to the following conditions:-

- (i) one of the bailors should be the family members 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 reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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