

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68056 of 2021**

Arising Out of PS. Case No.-261 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Ujjwal Kumar Pandey @ Mausham Kumar S/O Daya Shankar Pandey,  
Resident of Harpur Sahori, Ward No. 12, Police Line, Near Idea Tower,  
Dadar, kolhua, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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

3      19-09-2022                      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 Ahiyapur P.S. Case No. 261 of 2021, N.D.P.S Case No. 35 of 2021 registered for the alleged offences under Sections 399, 402 and 34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20 and 22 of the N.D.P.S Act.

As per prosecution case, the petitioner and other co-accused persons were apprehended on the basis of secret information that they were planning to commit some crime. From



the possession of this petitioner, one country made pistol with magazine loaded with three live cartridges, a motorcycle and a mobile phone were recovered. From other co-accused persons apart from mobile phones, live cartridge and cannabis were also recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He is a student of B.A. part-2 and was doing some job in a residential hotel and he was arrested from that place. The motorcycle recovered from this petitioner have been purchased by him though the name of the petitioner has not transferred as the owner due to pandemic. The police has running feud with the father of the petitioner and due to this reason, the petitioner has been falsely implicated in this case. Petitioner has got no concern with the other co-accused or the recovery of cannabis made from them. Charge sheet has been submitted in this case and the petitioner is in custody since 08.04.2021. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the recovery of fire arms and ammunition has been made from this petitioner.

Perused the record.

Having regard to the fact and circumstances and submission made on behalf of the parties and considering the



period of custody of this petitioner along with submission of charge sheet against him and clean antecedent 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 Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 261 of 2021, 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 a close relative of the petitioner.
- (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)**

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