

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71855 of 2021

Arising Out of PS. Case No.-327 Year-2021 Thana- JAKKANPUR District- Patna

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Anup Kumar Son Of Late Ajay Kumar Residence Of Village- Bahari
Begampur Chiniya Pokhar Near Mitha Kunan, P.S- Bypass, Dist- Patna
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Kumar Veerendra Narayan, learned APP for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Special Case No. 73 of 2021 arising out of
Jakkanpur P.S. Case No. 327 of 2021 registered for the offences
punishable under Sections 399, 401 and 414 of the Indian Penal
Code, Section 20b(II) (A+B) of the Narcotic Drugs and
Psychotropic Substances Act, 1985 and Section 25(1-b)a, 26, 35
of the Arms Act. He is in custody since 20.07.2021 having no
criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant received a secret



information that some miscreants have assembled near Dayanand Girls High School to commit some crime. On this information, the informant along with other police personnel reached there and on seeing the police party, all accused persons tried to flee away but police apprehended all of them. On search, from co-accused Arvind Kumar one live cartridge, one country-made automatic pistol along with two bundles of ganja weighing 1100 gm and a mobile, from Subodh Kumar Upadhyay, a mobile and three live cartridges, from Chanky @ Avinash, a mobile, three live cartridges, a loaded katta and a white bag containing ganja weighing 1200 gm, from Anup Kumar (this petitioner) a mobile and three live cartridges were recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that there is no alleged recovery of ganja from the petitioner. The petitioner has remained in custody since 20.07.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that from the possession of the petitioner three live cartridges and a mobile



were recovered, he has no criminal antecedent and has remained in custody in connection with this case since 20.07.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IX, Patna in connection with Special Case No. 73 of 2021 arising out of Jakkanpur P.S. Case No. 327 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

