

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9635 of 2023

Arising Out of PS. Case No.-326 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

Raja Kumar @ Raja Son Of Manjay Sahani R/O Village- Sanathi, P.S.-
Bochaha, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirtyunjay Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 12-05-2023 The applicant/accused in Crime No. 326 of 2020 registered with Bochaha Police Station corresponding to N.D.P.S. Case No. 134 of 2020, for the offences punishable under Sections 20 and 22 of the N.D.P.S. Act as well as under Sections 25(1-b)a, 26 and 35 of the Arms Act, by this application is seeking his release on bail during pendency of the trial.

The applicant has renewed his request on the basis of the order dated 30.06.2022 passed by the co-ordinate Bench of this Court granting bail to similarly situated co-accused Phulo Sahni in Cr. Misc. No. 65201 of 2021.

Learned Additional Public Prosecutor for the State opposed the application by contending that order rejecting the bail application of co-accused Raj Kumar @ Raja was not



pointed by the learned counsel appearing for the Phulo Sahni and therefore applicant Raja Kumar @ Raja is not entitled for bail.

I have considered the submissions so advanced. The Co-accused with identical role namely Phulo Sahni is directed to be released on bail by order dated 30.06.2022 passed by Co-ordinate Bench of this Court in Cr. Misc. No. 65201 of 2021. It is not pointed out that the said order is challenged by the State before the Hon'ble Supreme Court. Hence, on the principle of parity, the applicant herein is also entitled for same treatment.

In this view of the matter, the following orders:-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 326 of 2020 registered with Bochacha Police Station corresponding to N.D.P.S. Case No. 134 of 2020, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees ten Thousand) on furnishing two sureties of the like amount to the satisfaction of the trial court.

with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the



facts of the accusation against him so as to dissuade them from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial. He should attain each and every date fixed for hearing unless exempted by the learned trial Court.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(A. M. Badar, J)

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