

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31708 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- MUSAHARI District- Muzaffarpur

SONU KUMAR @ CHIKARNA S/o Dukhan Paswan Resident of Village-
Rohuaa Bela More, P.S.- Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Jyotsna Rani Mishra, Adv

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 08-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Ms. Jyotsna Rani Mishra, learned counsel appearing on behalf of the petitioner and Mr. Rajendra Prasad Nat, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with **Mushahari P.S. Case No. 14 of 2022** registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The police on a secret information with regard to assemblage of miscreants, raided the place of occurrence and apprehended 7 persons including the petitioner. On search two



live cartridges were recovered from the possession of the petitioner, however, it is alleged that 1 Kg *Charas* like substance was recovered from Deepak Kumar and other incriminating materials from other co-accused persons, as per the seizure list.

Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the person or possession of the petitioner, however, only with a view to implicate the name of the petitioner, the recovery of two cartridges have been shown. She further submits that so far as recovery of *Charas* and other incriminating materials are concerned, the same have been recovered from other co-accused persons. She next submits that other co-accused persons having similar allegation, have been allowed the privilege of bail by learned co-ordinate bench of this Court in Criminal Miscellaneous No. 34110 of 2022 vide order dated 12.09.2022 and Criminal Miscellaneous No. 36306 of 2022 vide order dated 16.09.2022, the copies of which have been placed before this Court and the same are taken on record. She lastly submits that the petitioner is rotting in jail custody since 21.01.2022, having fair antecedent.

On the other hand, learned counsel for the State while opposing the bail application submits that the petitioner was



apprehended along with other co-accused persons from whose possession various incriminating materials, including, 1 Kg *Charas* like substance has been recovered.

Regard being had to the submissions made on behalf of the parties and considering the recovery of two live cartridges from the possession of the petitioner coupled with the fact that other co-accused persons having similar allegation, have been allowed the privilege of bail by learned co-ordinate bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned **Additional District and Sessions Judge-I, Muzaffarpur**, in connection with **Mushahari P.S. Case No. 14 of 2022 (NDPS CASE No. 60 of 2022)**, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for



cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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