

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32588 of 2023

Arising Out of PS. Case No.-102 Year-2021 Thana- MUSAHARI District- Muzaffarpur

PRINCE KUMAR @ SUSHANT KUMAR Son of Subhash Paswan Resident of Village- Sadatpur, PO- Kolhua, Paighambarpur, PS- Kanti, District- Muzaffarpur (in FIR it has wrongly written as resident of villager- Chapra, PS- Motipur) and permanent Address is resident of - Ward No. 13, Near Sadha Mela, Jhangirpur, PS- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with N.D.P.S. Case No. 67 of 2021 arising out of Mushahri P.S. Case No. 102 of 2021 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code, Section 25(1-b)a, 26, 35 of the Arms Act and Section 20, 22 of the N.D.P.S. Act.

3. As per prosecution case, three accused persons, namely, Niraj Kumar, Raju Kumar and Raja Kumar were apprehended by the police and they disclosed the name of petitioner and other who fled away from the place of



occurrence. It is alleged that 50 gram charas like substance kept in two packets was recovered from the possession of co-accused Raju Kumar. From possession of co-accused Raja Kumar one country made pistol, one cartridge as well as one mobile were recovered. It is further alleged that 50 gram charas like substance kept in two packets was recovered from possession of co-accused Niraj Kumar. One motorcycle of co-accused Raju Kumar was also recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that petitioner is not apprehended on the spot. Name of the petitioner has been transpired in this case by apprehended co-accused persons due to village politics and enmity. Nothing has been recovered either from possession of the petitioner or from his house. Except disclosure of apprehended co-accused, there is nothing on record to connect the petitioner with the alleged occurrence. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, nothing



has been recovered from possession of the petitioner as evident from seizure list, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his/her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Muzaffarpur in connection with N.D.P.S. Case No. 67 of 2021 arising out of Mushahri P.S. Case No. 102 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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