

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35856 of 2023

Arising Out of PS. Case No.-313 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

SONU KUMAR son of Late Ram Balak Sah Village- Raghopur Ps- Ahiyapur
Dist- Muzaffarpur Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-07-2023 Heard Mrs. Vaishnavi Singh, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP.

The petitioner is in custody since 17.3.2023 in connection with Ahiyapur P.S. Case No. 313 of 2023 for the offence punishable under Sections 25(1-b)a, 26, 35 of the Arms Act and section 8(c)/21(b) of the N.D.P.S. Act lodged on 15.3.2023 by the informant Ram Charitra Das.

The prosecution story, in brief, is that the informant has alleged that on 15.3.2023 he received secret informatin that one Sonu Kumar who living in the lodge of Diwakar Singh is involved in the case of loot. He further alleged that 3-4 persons were also staying in the lodge. He proceeded to the lodge of Diwakar Singh and apprehended four persons who disclosed their names as Sonu Kumar (the petitioner herein), Aditya Raj, Sonu Kumar and Amit Kumar and from their possession a pistol with two live cartridges and total 43 'puriyas' of 'Smack' like



substance weighing 8 grams was/were recovered/seized.

It has been contended by the learned counsel that so far as this petitioner is concerned, recovery is of 16 'puriyas' of grams of 'Smack' like substance weighing 7.04 gms as also a country made pistol and two live cartridges.

Her submission is that the police falsely implicated the petitioner in this case as he is not the tenant of lodge of Diwakar Singh where the police had raided and implicated him falsely. According to her, Sonu Kumar son of Ajay Mishra resides in the lodge.

Learned APP opposes the prayer stating that he is accused of excise case.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that he is in custody since 17.3.2023 (as stated in para-19 of the bail application), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 313 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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