

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40363 of 2023**

Arising Out of PS. Case No.-218 Year-2023 Thana- AHYAPUR District- Muzaffarpur

SONU KUMAR S/O SHRAWAN PASWAN R/O Village- Mirzapur, PS.  
Ahiyapur, Distt. Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate  
For the Opposite Party/s : Mrs. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

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

The petitioner is an accused in connection with NDPS Case No. 47 of 2023 arising out of Ahiyapur P.S. Case No. 218 of 2023 registered for the offences under sections 356, 379, 411, 279, 338 and 427 of the Indian Penal Code and sections 8(c) and 21(b) of the N.D.P.S. Act lodged on 16.02.2023 by the informant, Navin Kumar.

The prosecution case, in short, is that one Navin Kumar on 16.02.2023 gave his fardbeyan at Garha Chowk alleging that while he was returning to his village from his motorcycle alongwith his co-villager Shri Ranjan Kumar after marketing from Muzaffarpur, at 3.30 p.m. near Blue Diamond, one motorcycle overtook them and snatched mobile of 'OPPO'



company from his pocket.

In the mean time, one another motorcycle on which one man and woman were sitting met with an accident and the motorcycle on which three persons were seated also collided and all three of them sustained injuries.

The local persons assembled there and in their presence, they were apprehended who disclosed their names as 1. Mohammad Chand, 2. Rishi Kumar and 3. Sonu Kumar belonging to the village- Mirzapur and on search, from Md. Chand 15 pouches of smack like substance (7.2 grams), from Rishi Kumar 15 pouches of smack like substance (7.2 grams) and from the possession of Sonu Kumar 15 pouches of smack like substance (7.2 grams) were seized as also their mobile phones whereas from this petitioner the snatched mobile of informant was also seized. Accordingly, the seizure list was prepared which was signed by the witnesses and the arrested accused persons and informant prayed for suitable legal action in accordance with law. Accordingly, the FIR.

It has been submitted by the learned Counsel for the petitioner that there is recovery/seizure of 7.2 gm. of smack as also a mobile which the police claim to be snatched one. The last submission is that he do not have criminal antecedent.



Learned APP for the State, on the other hand, opposes the prayer for bail stating that the allegation is of snatching mobile of the informant beside the recovery/seizure of 7.2 gm of smack.

Considering the period of custody (17.02.2023) as also that he do not have criminal antecedent, recovery/seizure is of 7.2 gm of smack, and ultimately will be facing the trial, 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 the learned 1<sup>st</sup> Additional Sessions Judge, Muzaffarpur in connection with NDPS Case No. 47 of 2023 arising out of Ahiyapur P.S. Case No. 218 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 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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