

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53403 of 2023

Arising Out of PS. Case No.-951 Year-2022 Thana- DANAPUR District- Patna

AKASH KUMAR SON OF SURESH PASWAN RESIDENT OF VILLAGE-
NASRIGANJ BISCUIT FACTORY, P.S- DANAPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoranjan Kumar, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Special Case No. 165(A) of 2022 arising out of Danapur P.S. Case No. 951 of 2022, registered for the offences punishable under Sections 21(a) of the N.D.P.S. Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.
3. The allegation is regarding a raid having been conducted by the informant and his police force, at the alleged place of occurrence, on 04.09.2022 at about 4:00 hours and one Bittu Kumar was arrested and upon search four live cartridges and five grams of brown sugar was



recovered from the pocket of his trouser. It is also alleged that the person who had fled away is the petitioner herein.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one another case but he is on bail in the said case. The learned counsel for the petitioner has also submitted that the learned Trial Court has failed to consider the fact that though the incident had taken place on 04.09.2022 but the petitioner was in custody in connection with one another criminal case and in the said case, he was released on bail only on 06.09.2022, hence he could not be present at the place of occurrence, thus the learned Trial Court has committed a grave error. Lastly, it is submitted that the facts would show that the petitioner has nothing to do with the alleged occurrence.

5. *Per contra*, the learned A.P.P. for the



State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that on the alleged date of occurrence, i.e. on 4.9.2022, the petitioner was in custody in connection with Danapur P.S. Case No. 870 of 2022 and had been released on bail only on 06.09.2022, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Patna in connection with Special Case No. 165(A)



of 2022, airing out of Danapur P.S. Case No. 951 of 2022,subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

