

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50524 of 2023

Arising Out of PS. Case No.-46 Year-2022 Thana- GAIGHAT District- Muzaffarpur

Kishlay Kumar @ Kishlay Singh S/O Late Manoj Kumar R/O Mohalla-
Bajrang Vihar, Kolhar Bairia, P.S- Ahiyapur, Distt.- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Gayghat P.S. Case No. 46 of 2022 (NDPS No. 01 of 2023) dated 29.01.2022 registered for the offences punishable u/ss 399, 402 and 414 of the Indian Penal Code and 25 (1-B)a, 26/35 of the Arms Act and 8/20(b) (ii) (B) of the NDPS Act.

4. As per the prosecution case, two miscreants were apprehended by police who disclosed their names as Aman



Shukla and Ankush Sharma and also disclosed the names of miscreants who fled away as Kishlay Singh (Petitioner), Gulshan Kumar and Golu Kumar, while they were making preparation to commit crime. On search, total 2.850 kg. *charas*, a live cartridge and a mobile phone were recovered from the possession of Aman Shukla. A loaded pistol and a mobile phone were recovered from the possession of Ankush Sharma.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot. The name of the petitioner has sprung up in the disclosure statement of the co-accused Aman Shukla. No incriminating material has been recovered from the conscious possession of the petitioner. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 02.01.2023 passed in Cr. Misc. No. 15315 of 2022. The petitioner has five other criminal cases and out of which one criminal case is of similar nature of offence as stated in para 3 of the bail petition. The petitioner is in custody since 11.11.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur in connection with Gayghat P.S. Case No. 46 of 2022 (NDPS No. 01 of 2023).

8. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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

