

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57960 of 2023

Arising Out of PS. Case No.-100 Year-2021 Thana- MITHANPURA District- Muzaffarpur

Dipanshu @ Divyanshu Srivastava S/O Late Grish Chandra Srivastava R/O
Village- Amgola Prav Pokher Len 2, Ps. Kazimohamadpur, Dist. Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyotsna Rani Mishra, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Mithanpura P.S. Case No. 100 of 2021 (N.D.P.S. Case No. 41 of 2021) registered on 10.05.2021, for the alleged offences under Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 8/20(b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act.

03. As per prosecution case, the petitioner and a number of co-accused persons were apprehended by the police on the basis of information received from Technical Cell about these miscreants making plan to commit murder of Bablu Trivedi. From the co-accused persons recovery of firearms and ammunition were made apart for 1/2 kg of *Ganja*. From this



petitioner 500 gram of *Ganja* was recovered.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with other co-accused persons and no recovery of any incriminating substance has been made from this petitioner. The recovery shown from the petitioner is planted one and even the said recovery comes under small quantity. The co-accused persons who was apprehended with loaded pistol and 1 kg. *Ganja* was enlarged on bail by this Court vide order dated 28.06.2022 passed in Criminal Misc. No. 56087 of 2021 and the case of the petitioner is on better footing. The petitioner is in custody since 11.05.2021 and he has got no criminal history.

05. Learned APP for the State opposes the prayer for bail submitting that a report was called for from the learned trial court about the present stage of trial.

06. This Court is in receipt of the said report from the learned trial court wherein it has been submitted that charge was framed in this case on 28.07.2022 and thereafter out of 06 charge-sheet named witnesses, none of the witnesses has been produced by the prosecution.

07. Perused the record.



08. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the likely delay in trial and also the period of custody of the petitioner along with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge/concerned court, Muzaffarpur in connection with Mithanpura P.S. Case No. 100 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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