

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54550 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- NADI P.S. District- Bhagalpur

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Sunil Harijan Son Of Ramdev Harijan Resident Of Village - Dhrubganj, P.S.-
Kharik, Distt.- Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-02-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Section 414 of the Indian Penal Code and Section 7, 25(1-A)(1-AA), 25(1-B)A/26/35 of Arms Act and Section 8(c) 21(a) of N.D.P.S. Act.

The prosecution case in nutshell is that informant, being a police official, received a secret information that the co-accused Jajal Yadav and two others who are accused in murder case is coming to commit serious offence, after which petitioner along with other co-accused persons were



apprehended. It is further alleged that on search, one loaded country made pistol, 20 packs of smack like contraband substance was recovered from the possession of co-accused Jajal Yadav and other articles like motorcycle, country made pistol, cartridges and other things were recovered and seized from the possession of co-accused persons. Allegation against the petitioner is that he was also sitting on the motorcycle with co-accused persons.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Nothing incriminating has been recovered from the possession of the petitioner and he has taken lift from other co-accused persons as they are co-villagers of the petitioner and he was unaware of pistol and smack. It is also submitted that chargesheet has been submitted in this case without the report of F.S.L. The motorcycle in question belongs to the wife of co-accused person. Moreover, the petitioner is languishing in judicial custody since 30.04.2022. A statement has been made in para 3 of the petition that petitioner has no criminal



antecedent. Similarly situated co-accused person has been granted Bail vide order dated 16.12.2022, passed in Cr. Misc. No. 55929 of 2022 by the co-ordinate Bench of this Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Nadi P.S. Case No. 15 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned District & Sessions Judge, Bhagalpur.

(Sunil Kumar Panwar, J)

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