

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68385 of 2022

Arising Out of PS. Case No.-471 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

CHHOTU KUMAR S/o Gauri Singh @ Pyare Singh R/V- Vasudeo
Vishanpur, P.S.- Mahindwara, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 07.06.2022 in connection with Ahiyapur P.S.Case No.471 of 2022, (NDPS) Case No.139 of 2022, F.I.R. dated 05.06.2022 registered for the offence punishable under Sections 25(1-B)a 26/35 of the Arms Act and Sections 8/20(b)(ii)(B)of NDPS Act.

3. Altogether, some arms, ammunition and 1.625 Kgs of Ganja is the alleged recovery.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and as per FIR one country made loaded pistol and two live



cartridges and 250 Gms of Ganja have been recovered from possession of the petitioner. Further submits that without F.S.L. report, the police has filed the chargesheet against the petitioner. Further submits that the F.S.L. report dated 13.05.2023 but prior to that, the police has filed the chargesheet against the petitioner and co-accused persons, namely, Prabhat Kumar and Aniket Kumar have been granted bail vide orders dated 19.01.2023 and 11.05.2023 passed in Cr. Misc. No.57085 of 2022 and Cr. Misc. No.16905 of 2023 respectively by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.06.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge, Muzaffarpur in connection with Ahiyapur P.S.Case No.471 of 2022, (NDPS) Case No.139 of 2022, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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

