

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 59913 of 2022**

Arising Out of PS. Case No.-240 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

SUNIL RAM Son of Late Mukhlal Ram Resident of Harihar Urdana, Tola - Sangwa, P.S.- Tandwa, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Krishna Prasad Singh, Sr Advocate with Mr Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr Satyendra Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-01-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Mohania Police Station (for brevity, **PS**) Case No 240 of 2020 registered for the offence punishable under Sections 399, 402, 400, 414, 411, 216 (A) of Indian Penal Code, Sections 25 (1-b) a, 26, 35 of Arms Act and Sections 8, 20 (b) (ii) (B), 27 (A) of Narcotic Drugs and Psychotropic Substances (for brevity, **NDPS**) Act.

Three persons have been apprehended from a Brezza vehicle when the police have arrived on receiving information that they were planning some crime. From their possession, one loaded country made pistol, mobile phones, Lap Top and 1 kilogram of **Ganja** were recovered.

Learned senior counsel for the petitioner submits that petitioner's implication is on statement of co-accused Kundan Kumar Singh who has since been enlarged on bail by this Court by order dated 26.03.2021 passed in Cr Misc No 38433 of 2020. In fact, the



petitioner has no concern with the recovered articles and his name has been dragged on the alleged confessional statement of co-accused. On account of his antecedents in four cases, he has been made accused in the instant case also. He is on bail in all the four cases and there is no allegation of any misuse of bail. In the instant case, he is in custody since 02.01.2021 and investigation is complete.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of petitioner's implication and that no recovery is alleged from him as also his custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Kaimur at Bhabua in NDPS Case No 24 of 2020 arising out of Mohania PS Case No 240 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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