

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63922 of 2022

Arising Out of PS. Case No.-191 Year-2020 Thana- AURAI District- Muzaffarpur

Om Prakash Chautala @ Sipahi Son Of Harendra Sahni R/V- Dharopatti, P.S-
Aurai, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-02-2023 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 connection with Aurai P.S. Case No. 191 of 2020 registered under sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a/26 of the Arms Act and Sections 8, 20, 22, 25 and 29 of the NDPS Act.

As per prosecution case, the accused person Sunil Kumar Mahto was apprehended by the police and it is stated that 520 grams of charas, a loaded country made pistol and a live cartridge were recovered from his possession. It is further stated that he disclosed the names of the accused persons including this petitioner who had managed to escape from the place of occurrence.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that the petitioner was not apprehended on spot rather his name came in F.I.R. on the basis of disclosure made by the co-accused person before the police. Nothing has been recovered from the conscious possession of the petitioner rather the recovery of narcotics substance and Arms was from the co-accused Sunil Kumar Mahto. Similarly situated several co-accused persons have already been granted bail by different Benches of this Court vide order dated 22.11.2021 in Cr. Misc. No. 25030 of 2021 and vide order dated 11.01.2022. in Cr. Misc. No. 43495 of 2021 which are annexed as Annexure-2 series. The petitioner is languishing in judicial custody since 15.06.2022.

The application for bail is vehemently opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Aurai P.S. Case No. 191 of 2020 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
2nd Additional Sessions Judge, Muzaffarpur.

(Sunil Kumar Panwar, J)

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