

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62317 of 2022

Arising Out of PS. Case No.-225 Year-2022 Thana- MITHANPURA District- Muzaffarpur

SUSHIL KUMAR CHHAPARIYA Son of Late Radhe Shyam Chhapariya R/o
Mohalla Paraw Pokhar, Aamgola, P.S. Kazimohammadpur, District-
Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv. Mr. Vaishnavi Singh, Adv. Mr. Ritwik Thakur, Adv.
For the Opposite Party/s	:	Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-06-2023 Heard Mr. Ajay Kumar Thakur, learned Senior counsel
for the petitioner and learned Additional Public Prosecutor for the
State.

Petitioner seeks bail, who is in custody since 17.07.2022
in connection with Mithanpura P.S. Case No.225/2022, F.I.R.
dated 16.07.2022, for the offences punishable under Sections 399,
402, 216(A), 120(B) of the IPC, Sections 25(1-B), 26 and 35 of
the Arms Act & Sections 8(c) and 21(b) of the N.D.P.S. Act.

According to prosecution case, the apprehended co-
accused persons disclosed that the petitioner is alleged to have
involved in providing arms, ammunition, narcotics substance and
cash to the co-accused persons to commit crime.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner and the petitioner was not arrested on the spot. He further submits that the name of the petitioner has been transpired during investigation on the basis of confessional statement of the co-accused persons, namely, Aman Kumar Singh and Prafulla Kumar and except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.07.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the cases.

Considering the aforesaid facts and circumstances, 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 the learned Additional Sessions Judge-III-cum-Special Judge, N.D.P.S. Act, Muzaffarpur in



connection with Mithanpura P.S. Case No. 225/2022, subject to the following conditions:-

1. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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)

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