

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64179 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

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Guddu Kumar, S/o Suresh Ram @ Suresh Kumar R/o Village- Kharya, P.S.-
Kundwa Chainpur, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kundwa
Chainpur P.S. Case No. 133 of 2022 registered for the offence
under Sections 399 and 402 of the Indian Penal Code and
Section 20(b) ii(B), 23(B) and 25 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.06.2022.

The allegation against the petitioner is to involved in
preparation of dacoity along with other co-accused persons,
while committing so, found in possession of one large size knife



and 1.5 kg. of contraband like '*Ganja*'.

Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated in the present case only for the reason that he was found in possession of one large size of knife and admittedly alleged '*Ganja*' was recovered from conscious physical possession of the co-accused, namely, Vishal Kumar. It is also pointed out that petitioner involved in 03 other criminal cases having no bearing over the merit of case. It is also submitted that during course of investigation, nothing incriminating material surfaced/recovered, which may suggest that this petitioner was involved in preparation for dacoity, while apprehended with other co-accused persons. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except recovery of large size knife nothing incriminating material surfaced/recovered, during course of investigation, which may suggest that this petitioner was



involved in preparation for dacoity coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kundwa Chainpur P.S. Case No. 133 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 learned Additional Sessions Judge 5th-cum-Special Judge, NDPS Act, East Champaran at Motihari/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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