

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76782 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Ayush Kumar Son Of Shailendra Kumar Singh R/V Morsand,Ps.
Runnisaidpur, Distt – Sitamarhi Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Runnisaidpur P.S. case No. 242 of 2023 instituted for the offences under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms and Sections 8, 20(b)(ii)(C) of the N.D.P.S. Act.

3. As per allegation in F.I.R. is that the police during patrolling apprehended five persons and 500 grams of charas and one loaded pistol have been recovered from the petitioner.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.05.2023 and has two criminal antecedent. The petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that no recovery is made from the conscious possession of the petitioner. 500 grams charas has been recovered from the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned



counsel further submits that co-accused has already been granted bail by a coordinate Bench of this vide order dated 24.08.2023 passed in Cr. Misc. No. 54034 of 2023

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Runnisaidpur P.S. case No. 242 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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