

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72716 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- MUSAHARI District- Muzaffarpur

Sonu Kumar @ Sukha @ Sukaha Son of Lala Mahto Resident of Village -
Gaganpur, P.S.- Mushahari, District - Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-01-2023 The learned counsel for the petitioner is directed
to remove all the defects pointed out by the Stamp Reporter
within one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with NDPS
Case No. 60 of 2022 arising out of Mushahari P.S. Case No. 14
of 2022 registered for the offences punishable under Sections
399, 402, 414 of the Indian Penal Code, Sections 25(1-b)a, 26,
35 of the Arms Act and Sections 20, 22 of the NDPS Act.

Allegedly, police party in following with secret
information raided Rahua Math and apprehended five accused
including the petitioner and three accused persons managed to
escape and from the possession of this petitioner two live



cartridges were recovered and from the possession of co-accused person a loaded country made pistol and cartridge was recovered, one packet suspected to be *charas* was also recovered which is alleged to be of accused persons.

The main submissions advanced by learned counsel Mr. Ajay Kr Singh No.1 appearing for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 30042 of 2022 for the relief of bail which was rejected by this Court and after that rejection two co-accused persons namely Anil Sahni @ Anil Kumar Sahni and Raju Pandey preferred Cr. Misc. No. 34110 of 2022 and Cr. Misc. No. 36306 of 2022 which was allowed by a co-ordinate Bench of this Court and from the possession of Raju Pandey two cartridges were alleged to have been recovered and from the possession of Anil Sahni @ Anil Kumar Sahni one loaded country-made pistol was alleged to have been recovered and from the possession of this petitioner two cartridges are stated to have been recovered and hence the petitioner's case stands on similar footing to the said co-accused persons who are on bail and moreover the petitioner has fair and clean antecedent and languishing in jail since 21.02.2022 and till now the charges have not been framed upon the petitioner.

Learned APP Mr. Ramchandra Sahni appearing for



the State has opposed the bail prayer.

Considering the above submissions and mainly taking into account the facts that the similarly situated two co-accused persons are on bail and the petitioner has been languishing in jail since 21.02.2022 and till now the trial has not started in respect of the petitioner's case which shows lingering attitude on the part of the prosecution to conclude the trial of the petitioner and also taking into account the petitioner's young age and his clean antecedent, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer. Accordingly, let the petitioner be enlarged 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 Court concerned in connection with NDPS Case No. 60 of 2022 arising out of Mushahari P.S. Case No. 14 of 2022.

(Shailendra Singh, J)

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