

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47052 of 2024

Arising Out of PS. Case No.-98 Year-2021 Thana- AURAI District- Muzaffarpur

Raushan Kumar, aged about 28 years, Gender, Male, Son of Upendra Sah
Resident of Vill- Mahrauli, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-11-2024 Heard Mr. Hans Lal Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Dinesh Singh,,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Aurai P.S. Case No. 98/2021 registered for the offence(s)
punishable under Sections 399 and 402 of the Indian Penal Code
and Sections 25(1-b)a, 26 of the Arms Act and Sections 20 and
22 of NDPS Act.

3. As per the allegation made in the FIR, a country
made pistol and a live cartridge along with 5.2 kg. ganja like
substance were recovered from the possession of co-accused
Raja Kumar. The said Raja Kumar disclosed the name of the
petitioner and others as his associates.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner and his name has surfaced in this case on the basis of confessional statement of co-accused and confessional statement made before police has no evidentiary value. Similarly situated co-accused Saroj Sah @ Saroj Kumar and Attahulla @ Raja have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.07.2022 passed in Cr. Misc. No.1367 of 2022 and order dated 01.12.2022 passed in Cr. Misc. No.38812 of 2022 respectively. The said Raja Kumar has also been granted regular bail by a co-ordinate Bench of this Court vide order dated 13.05.2022 passed in Cr. Misc. No.68271 of 2021. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. In the facts and circumstances of the case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge, NDPS Court No.1, Muzaffarpur in connection with Aurai P.S. Case No. 98/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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