

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65571 of 2024

Arising Out of PS. Case No.-228 Year-2023 Thana- CHIRAIYA District- East Champaran

Sudhir Kumar Son of Ramprit Ray Resident of Village - Godhiya Tola, P.S. -
Lakhaura, District - East Chamaparan, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-10-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 399, 402, 414 of the Indian
Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and
Sections 8/20(b)(ii)(c) of the N.D.P.S. Act.

3. Learned counsel for the petitioner submits that
petitioner had earlier moved this court seeking anticipatory bail by
filing Cr. Misc. No.84980 of 2023 and the same came to be
rejected by an order dated 29.02.2024. It is further submitted that
the allegation in the F.I.R. is that the accused persons including the
petitioner were involved in preparation of dacoity along with other
accused persons and firearm along with Charas were recovered
from the apprehended accused persons.

4. The learned counsel for the petitioner submits that



petitioner was not apprehended from the spot and as such nothing was recovered from his conscious possession. It is next submitted that similarly situated co-accused Chhotelal @ Chhotelal Kumar had approached this court seeking regular bail by filing Cr. Misc. No.80048 of 2023 and the same was allowed by an order dated 07.03.2024 passed by a learned Co-ordinate Bench. It is submitted that the learned Co-ordinate Bench while granting anticipatory bail to Chhotelal by an order dated 07.03.2024 had recorded that it appears that the Charas recovered was 1010 gm i.e. just 10 gram above the commercial quantity, which casts an aspersion on the case of the prosecution. It is submitted that petitioner is in custody since 09.07.2024. It is further submitted that charge sheet has been submitted and the petitioner is a person with clean antecedent.

5. Learned A.P.P. opposes the prayer for bail of the petitioner but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that Chhotelal has been granted the privilege of anticipatory bail by a learned Co-ordinate Bench by an order dated 07.03.2024 in Cr. Misc. No.80048/2023.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each



to the satisfaction of the learned trial court where the case is pending/successor court in connection with N.D.P.S. Case No.43/2023, arising out of Chiraiya P.S. Case No.228/2023.

7. Further, one of the bailors of the petitioner shall be his father, namely, Ramprit Ray.

8. The learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of even one case, in that event, the present bail order shall not be given effect to.

9. It is also made clear that if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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