

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74020 of 2024

Arising Out of PS. Case No.-350 Year-2024 Thana- DUMRA District- Sitamarhi

Abhishek Kumar @ Sonu son of Lalan Paswan Village- Riga PS -Riga Distt
-Sitamarhi At P/A- Santi Nagar, Ps- Punaura, dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Advocate

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

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

ORAL ORDER

4 06-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Dumra
P.S. Case No. 350 of 2024 instituted for the offences under
Sections 310(4), 310(5) of the Bharatiya Nyaya Sanhita, 2023,
25(1-b)a, 26, 35 of the Arms Act and 20, 21, 22, 23, 24 of the
N.D.P.S. Act.

3. As per prosecution case, one loaded country-made
pistol was recovered from the possession of co-accused Rajan
Kumar. A loaded country-made pistol with live cartridge and
smack weighing total 42 grams kept in 100 packets were also
recovered from the co-accused Raju Kumar.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Petitioner is in custody since 13.08.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner and he has got no concern either with the alleged recovery of arms or with the contraband. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. The co-accused person has already been granted bail by this Court vide order dated 26.10.2024 passed in Cr. Misc. No. 77139 of 2024.

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, claim based on parity as also 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 Dumra P.S. Case



No. 350 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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