

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87744 of 2024

Arising Out of PS. Case No.-284 Year-2024 Thana- SITAMARHI District- Sitamarhi

Mani Kumar Son of Raj Kumar Sah @ Raju Sah Resident of Mohalla /
Village - Kort Bazar Chakmahila Ward No.-9, P.S. and District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 284 of 2024 instituted for the offences
under Sections 399, 402, 414 of the Indian Penal Code and
Sections 25(1-B)(a)/26/35 of the Arms Act and Section 8/21 of
the N.D.P.S. Act.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence. On
seeing the police-party, all the five miscreants including the
petitioner tried to flee away but, they were apprehended by
the police. On search, the police recovered a folding knife and
a mobile with SIM from the possession of the petitioner. The



police also recovered total 30 gram smack, knife, loaded country-made pistol with live cartridges and other incriminating articles from the possession of other accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery as alleged in the F.I.R.. Charge-sheet has been submitted in this case. He further submits that the quantity of Smack recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is also no compliance of Section 42 & 50 of the N.D.P.S. Act. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents and is languishing in judicial custody since 02.05.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Gopal Raut has been granted bail by this Court vide order dated 09.12.2024 passed in Cr. Misc.



No. 83566 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the prayer for bail being based on parity, let the petitioner, abovenamed, 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 Sitamarhi P.S. Case No. 284 of 2024.

(Rudra Prakash Mishra, J)

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