

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10842 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Karan Kumar S/O Khudo Mahto @ Phudo Mahto R/O Vill.- Cheriya
Bariyarpur, P.S- Cheriya Bariyarpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No 1, Adv.

For the Opposite Party/s : Mr. Anant Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with N.D.P.S. Case No. 21 of 2024 arising out of Cheriya Bariyarpur Case No. 92 of 2024, registered for the offences under Sections 399, 402, 353 and 307 of the Indian Penal Code, Section 25(1-B)a, 26, 27,35 of the Arms Act and Section 20(B)(ii)(B) of the N.D.P.S. Act.

3. As per the prosecution case, police received secret information about assembly of 6-7 armed miscreants in a *shisham* orchard and a raiding party was constituted and the place was surrounded. On seeing the police party, the miscreants opened fire and police also retaliated. The miscreants tried to escape and two co-accused persons were apprehended and the

name of the petitioner transpired in their disclosure statement along with some other co-accused persons. From the place of occurrence recovery of two country made *katta*, three live cartridges, one spent cartridge, 02.100 kg of *Ganja* and one master key of motorcycle was recovered.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner and he was not apprehended from the spot. The petitioner has been arraigned in this case merely on suspicion on the basis of confessional statement of co-accused persons. The petitioner has got clean antecedent and is in custody since 04.09.2024. Charge sheet has been submitted in this case.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten

Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Addititonal Sessions Judge 1st -cum-Special Judge N.D.P.S. Act, Begusarai/concerned court, in connection with N.D.P.S. Case No. 92 of 2024 arising out of Cheriya Bariyarpur Case No. 92 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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