

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37956 of 2015

Arising Out of PS.Case No. -62 Year- 2015 Thana -FATUHA District- PATNA

1. Rajnish Kumar Son of Shashi Bhushan Singh Resident of village - Rasalpur, Police Station - Fatuha, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Upendra Kumar(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-09-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 08.02.2015 in a case registered for offences punishable under Sections 399/402/307 of the Indian Penal Code and Sections 25 (1-b), 26 & 35 of the Arms Act.

The prosecution case is that on 07.02.2015 the informant who is the Officer-in-charge Fatuha P.S., got information that some of the miscreants are planning to commit dacoity and murder. On this information the informant and other police personnels proceeded towards Rasalpur village and on pointing by the informer, they reached in the bagicha and in torch light they saw 5-6 persons were sitting and consuming liquor. Having seen

the police, they began to flee away and on chase, two persons were apprehended including the petitioner and rest managed to escape away. On search, one loaded country made pistol and 7 live cartridges were recovered from Pintu Yadav and one loaded country made pistol and three live cartridges were recovered from the possession of Rajnish Kumar (the petitioner). Some other articles were also recovered from the place of occurrence. On enquiry, Pintu Yadav disclosed the names of their fled away associates and also disclosed that they were planning to commit dacoity at the house of Jagdeo Yadav of Supanchak as well as his murder also.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and no case under Sections 399, 402 and 307 of the Indian Penal Code is made out against him and he has been falsely implicated in the aforesaid case.

In view of the facts and circumstances, let the petitioner, namely, Rajnish Kumar be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Shri P.K. Ratan, Judicial Magistrate, 1st class, Patna City, Patna in connection with Fatuha P.S. Case No. 62/2015, subject to the conditions enumerated hereunder:-



- I) One of the bailors will be the close relative of the petitioner.
- II) The petitioner will not indulge in similar or in any other offence.
- III) The petitioner will be well represented in the Court.
- IV) In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the Court concerned.

(Nilu Agrawal, J)

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