

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50247 of 2015

Arising out of PS.Case No. -157 Year- 2015 Thana -PATNA CITY CHOWK District- PATNA

Vikash Kumar @ Amresh @ Amresh Kumar @ Chhotu, son of Arun Kumar Sharma, resident of Village- Taradhi, P.S.- Naubatpur, Distt- Patna.
.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Akhauri Kamal Kishore Sahay, Advocate.
For the Opposite Party : Mr. Ambika Bhagat(Spl.App).

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-12-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 21.07.2015 in connection with Chowk P.S. Case No. 157 of 2015 for the offences instituted under Sections 399, 402 IPC and 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that on 02.07.2015, the informant was on patrolling duty alongwith the other police men. It has been said that at about 12.15 P.M., one spy came there and told the informant that three persons have assembled near *Mangal Talab* alongwith a red coloured Hero Honda Motorcycle. The informant rushed there, on seeing the police, they all tried to flee away but they were apprehended by the police. On being searched,

from possession of the petitioner Vikash Kumar, one country made loaded pistol was recovered. From possession of Mahesh Kumar also one loaded country made pistol was recovered and from possession of Pappu Rai, three live cartridges were recovered. They further disclosed that they had assembled there to kill Shankar Patel.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 21.07.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. As per prosecution case, one country made loaded pistol is said to have been recovered from possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned J.M. Ist Class, Patna City, Patna, in connection with Chowk P.S. Case No. 157/2015.

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(Sudhir Singh, J)