

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47634 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

Prem Kumar S/o Kailash Rai, resident of Village - Mohanpur, P.S. -
Raghopur, District - Vaishali.

..... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-11-2015

This is an application for grant of regular bail in favour of the petitioner who is an accused in connection with Raghopur PS Case No. 37 of 2015 for the alleged offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-b)A, 26 and 35 of the Arms Act.

The petitioner is in custody since 4.5.2015. He along with co-accused Rajesh Kumar were apprehended by the police while travelling in a motor-cycle. On search, from the possession of said Rajesh Kumar, one country made pistol and a cartridge were recovered, whereas from the petitioner's possession nothing was recovered. As regard the motor-cycle, they claimed that they had purchased it. However, the motor-cycle was found to be stolen one.

Learned counsel for the petitioner has submitted

that as regards the theft of the concerned motor-cycle, one Hajipur Town PS Case No. 288 of 2015 was registered and upon recovery of the said motor-cycle, the petitioner has been made accused in that case and has been granted bail by this Court, by order dated 7.10.2015, passed in Cr. Misc. No. 47037 of 2015. He submits that since charge-sheet has already been submitted, no purpose would be served, if the petitioner is compelled to remain in custody further. It has been stated in the application that the petitioner has no other criminal history.

Considering the submission as above and the period of incarceration, this application is allowed.

Let the petitioner above named, 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in Raghapur PS Case No. 37 of 2015.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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