

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16429 of 2016

Arising Out of PS.Case No. -55 Year- 2016 Thana -FATUHA District- PATNA

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1. Ritesh Kumar @ Vidya, Son of Shri Ram Pravesh Prasad, resident of
Village- Mirzapur Nohta, P.S.- Fatuha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Ganesh Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 26-04-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 06.02.2016 in a
case registered for the offences punishable under Sections 399,
402 of the Indian Penal Code and Sections 25(1) (b) (a), 26, 35 of
the Arms Act.

Submission on behalf of the petitioner is that only
two live cartridges are said to have been recovered from conscious
possession of the petitioner and so far as Section 399/402 of the
Indian Penal Code is concerned, the same is not applicable in the
present case because preparation of an offence, except dacoity and
offences against the State, is no offence in the eye of law.

Considering the aforesaid facts and circumstances as

well as submissions of the parties, let the petitioner 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 Shri P.K. Ratan, Judicial Magistrate, Patna City in connection with Fatuha P.S. Case No. 55 of 2016.

(Hemant Kumar Srivastava, J)

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