

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37961 of 2016

Arising Out of PS.Case No. -95 Year- 2016 Thana -PATNA CITY CHOWK District- PATNA

Vikash Kumar Rai, Son of Late Vijay Rai, a resident of Mohalla-Kaimasikoh, P.S.- Chowk, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Arvind Kumar Mouar, Advocate

For the Opposite Party : Mr. Sri Rajeev Nayan (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 23-09-2016 Heard learned counsel for the petitioner and the learned
counsel representing the State.

The petitioner seeks bail in connection with Chowk P.S
Case No. 95 of 2016 registered for the offences punishable under
Sections 399, 402, 412 of the Indian Penal Code and Section 25(1-
b)a/26/35 of the Arms Act.

Allegedly, the petitioner and other nine accused persons
were caught when they have assembled to commit crime and from
possession of the petitioner cash of Rs. 60,000/-, one live cartridge and
a mobile were recovered and further he confessed the guilt that earlier
he and others have committed dacoity in Patliputra Academy, wherein
cash of Rs. 2,50,000/- was looted and the amount was distributed
amongst them as per share.

Submission is of false implication and that no fire arm

was recovered from the possession of the petitioner, only one cartridge has been shown to be recovered which is police plantation. The amount recovered is of the petitioner, which he has withdrawn from the savings account. The petitioner has been made victim of the circumstances, resulting, he is suffering in custody since 25.05.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by pointing out those recoveries.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri Sushan Ranjan, J.M. 1st Class, Patna City, in connection with Chowk P.S. Case No. 95 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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