

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46266 of 2016

Arising Out of PS.Case No. -174 Year- 2016 Thana -KADAMKUAN District- PATNA

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Rahul Upadhyay @ Rahul Kumar, s/o Ravindra Sharan Upadhyay, r/o
village Sadisopur P.S. Bihta, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 22-10-2016 Heard Sri S.K. Lal, learned counsel who was assisted

by Sri Pramod Kumar, learned counsel for the petitioner and

learned Additional Public Prosecutor.

The sole petitioner who is in custody since 23.4.2016
in Kadamkuan P.S. Case No. 174 of 2016 registered for the
offence under section 399 / 402 of the Indian Penal Code,
section 25 (1-b) A/ 26/ 35 of the Arms Act corresponding to
Sessions Trial No. 543 of 2016 has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that on allegation of recovery of one country made loaded pistol
and five cartridges petitioner was arrested and along with
petitioner some other accused persons were also arrested. He
submits that some of the accused have already been granted bail. It
has been argued that though case has been committed till date

charge has not been framed and he is languishing in jail since 23.4.2016. It has been argued that prior to lodging of the present case the petitioner was having clean antecedent and thereafter he has been made accused in other case.

Keeping in view the nurture of accusation , period of custody as well as the fact that some of the accused in similar situation have been granted bail there is no reason to further detain the petitioner. Let the petitioner Rahul Upadhyay @ Rahul Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge VIth , Patna / concerned court in connection with S.T. No. 543 of 2016 arising out of Kadamkuan P.S. Case No. 174 of 2016 with condition that one of the bailors must be blood relation of the petitioner and during trial the petitioner shall remain physically present on each and every date . If continuously on two dates he fails to appear before the trial court without prior permission his bail bond shall automatically stand cancelled.

(Rakesh Kumar, J)

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