

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39664 of 2016

Arising out of P.S. Case No. - 431 Year - 2014 Thana - MOTIPUR District - MUZAFFARPUR

Rohit Kumar, Son of Ramadhar Singh, Resident of Village - Bihta, Police
Station - Bihta, District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party : Smt. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-09-2016 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since
26.12.2014 in a case registered for the offences punishable under
Section 414 of the Indian Penal Code, Sections 25(1-B)a/26(ii)/35
of the Arms Act and Sections 20/22 of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

The prosecution case is that on 25.12.2014 at about
09:45 p.m. on receiving information, the informant, who is the
Officer-in-Charge of Motipur Police Station, found that one
Umesh Kumar Rai, pick-van driver was robbed along with the
pick-van by 8-10 miscreants. Subsequently, the informant came to
know that the van met with an accident and six persons were
apprehended including the petitioner in a suspicion condition.

From three persons one packet Ketajet injection each containing 2 ml. liquid, one needle syringe, one live cartridge, mobiles along with SIM and cash were recovered. While from one other person two Ketajet injection each containing 2 ml. liquid, two needle syringes, one mobile along with SIM and cash was recovered. From possession of the petitioner one country made loaded pistol, two mobiles and cash were recovered and from one another person country made loaded pistol, two mobiles along with SIM and three leafs containing 74 tablets of 2 ml. Ativan tablets was recovered.

It is submitted by the learned counsel for the petitioner that the petitioner has remained in custody about two years when the other co-accused persons, namely, Bipin Kumar @ Bipul, Arun Kumar, Abhishek Bharti and Ajay Kumar, from whose possession the recoveries were made, have been granted bail by Co-ordinate Benches of this Court vide orders dated 20.07.2016, 04.05.2016, 20.04.2016 and 06.11.2015 passed in Cr. Misc. Nos. 23398 of 2016, 14848 of 2016, 8065 of 2016 and 17824 of 2015, though the petitioner is accused in four other cases but he is on bail in all the four cases. Statement to that effect made in paragraph 3 of the petition, though, with regard to grant of bail in Bhagwanpur P.S. Case No. 284 of 2014 it has not been stated in the petition, but photo copy of the order dated 12.09.2016 passed

by the learned Additional Sessions Judge in Bail Petition No. 929 of 2016 has been brought on record, which suggests that petitioner has been granted bail in the said case also.

Considering the nature of recovery, 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 7th Additional Sessions Judge, Muzaffarpur in connection with Motipur P.S. Case No. 431 of 2014.

Considering the fact that the petitioner is accused in four other cases of serious nature, the learned court below will be at liberty to positively cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets substantially involved in some serious nature of offence.

(Dinesh Kumar Singh, J.)

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