

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20850 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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1. Mukesh Kumar @ Mukesh Chauhan son of Raja Ram Chauhan, resident
of village- Mahmada, P.S.- Barbigha, district- Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ishtiyaque Ahmad
For the Opposite Party/s Mr. Ashraf Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 20.05.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections 399,
402, 414 of the Indian Penal Code as well as various sections of the
Arms Act.

Petitioner and several other accused were caught and
vehicles and fire arms were recovered.

The informant claims that the petitioner and his associates
had assembled to make preparation for committing crime.

Submission on behalf of the petitioner is that sections 399,
402 of the Indian Penal Code is not applicable in the present case and
so far as section 414 of the Indian Penal Code is concerned, seized
vehicle has been recovered from joint possession of the petitioner and
others according to prosecution case itself. It is further submitted that
so far as offence under the Arms Act is concerned, petitioner has

sufficiently been punished by remaining in jail custody since 13.1.2016 and therefore, even if the prosecution case assumed to be true, then also, petitioner deserves to be released on bail.

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/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate IV, Nalanda at Biharsharif in Rajgir P.S. Case no. 09/2016.

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(Hemant Kumar Srivastava,J)

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