

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37140 of 2016

Arising Out of PS.Case No. -557 Year- 2015 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

1. Vikash Kumar Son of Uday Shankar Singh Resident of Village-
Chainpur, P.S. Kanti, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-10-2016 Learned counsel for the petitioner is permitted to make correction in paragraph-3 of the petition during course of the day.

Heard learned counsel for the petitioner and the State.

Petitioner is languishing in custody since 04.01.2016 in a case registered for the offences punishable under Sections 212, 216, 399, 402, 414 of the Indian Penal Code, 25(1-B)a, 26, 35 of the Arms Act and 20, 22 of the Narcotics Drugs and Psychotropic Substances Act.

The prosecution case is that on secret information that miscreants are preparing to commit



dacoity, a raid was laid when seven accused persons were apprehended from the spot. From the possession of apprehended accused Mayank Kumar one loaded pistol and two mobiles, from the possession of Golu Kumar, one live cartridge and one mobile, from possession of Sonu Kumar, one live cartridge, from possession of Dhiraj Kumar one live cartridge, from possession of Manish Kumar one live cartridge and from possession of Chandan Kumar one live cartridge and one mobile were recovered. From the place of seizure $\frac{1}{2}$ K.g ganja was also recovered. The apprehended accused disclosed the name of two persons, who escaped from scene as the petitioner Vikash Kumar and Nankhi.

It is submitted by the learned counsel for the petitioner that nothing has been recovered from the possession of the petitioner and the persons who were apprehended from the spot and from whom recovery was made have been granted bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 9235 of 2016 and Cr. Misc. No. 56155 of 2015. Though, the petitioner is accused in three other cases being Sadar Muzaffarpur P.S. Case No. 525 of 2015, registered under Sections 395, 397 of the Indian Penal Code, Sadar Muzaffarpur P.S. Case No. 478 of 2015, registered under Sections 307, 387, 447/34 of the Indian Penal Code and Sadar Muzaffarpur P.S. Case No. 507 of 2015 registered under Sections 395, 397 of the

Indian Penal Code, but he has been granted bail in all the three cases. Statement to that effect has been made in paragraph-2 of the supplementary affidavit which reads as follows:-

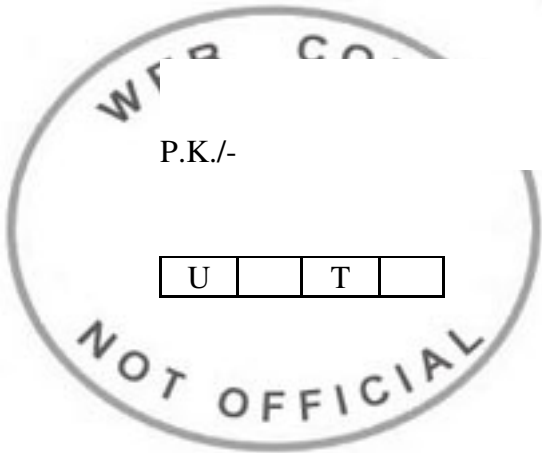
“That the petitioner Vikash Kumar has been made accused in (1) Sadar (Muzaffarpur) P.S. Case No. 525 of 2015 dated 9.10.2015 u/s 395/397 of the I.P.C. in which he has been granted bail by Hon’ble Mr. Justice Birendra Prasad Verma in Cr. Misc. No. 24010 of 2016 on 01.06.2016, (2) Sadar P.S. Case No. 478 of 2015 dated 14.09.2015 u/s 307, 387, 447/34 I.P.C. in which Hon’ble Mr. Justice Sudhir Singh granted bail on 05.08.2016 in Cr. Misc. No. 23842/16, (3) Sadar P.S. Case No. 507 of 2015 dated 11.10.2015 under Section 395/397 of the I.P.C. in which he has been granted bail by Hon’ble Mr. Justice Sudhir Singh in Cr. Misc. No. 25204/16 on 09.08.2016.”

Moreover, it is further submitted that investigation has already concluded.

Considering the fact that recovery has not been made from the possession of the petitioner, let the above named 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 learned Additional Sessions Judge-VI, Muzaffarpur in connection with Sadar P.S. Case No. 557 of 2015.

The learned court below shall be at liberty to cancel the bail bonds of the petitioner in case the petitioner got involved in some serious offence or defaults

without any reasonable cause on two consecutive occasions.



(Dinesh Kumar Singh, J)