

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13538 of 2016

Arising Out of PS.Case No. -525 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

=====

Prakash Kumar, S/o Durga Das, R/o Mohalla- Mednimal Pokhra Mohalla,
P.S.- Hajipur Town, District- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. S.N.Shukla(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2016 Heard learned counsel for the petitioner and the State.

Petitioner is languishing in custody since 20.12.2015 in a case registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code, 25 (1-B)a/26 of the Arms Act and 20, 22 of the Narcotics Drugs and Psychotropic Substances Act.

The prosecution case is that three miscreants each boarding on two pulsar motorcycles were intercepted. From the possession of other miscreants arms, ammunition and 2.5 K.g ganga were recovered. From the possession of petitioner nothing was recovered. Though, one of the motorcycles was found registered in the name of the

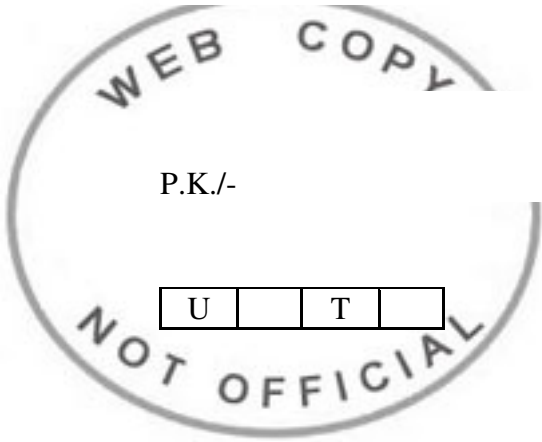
petitioner.

It is submitted by the learned counsel for the petitioner that there is no recovery from the possession of the petitioner. Investigation has already concluded and the motorcycle in question has been released in favour of the petitioner. Though the petitioner has been roped in one other case being Hazipur Town P.S. Case No. 143 of 2013 registered under Sections 399, 302/34 of the Indian Penal Code, but in the said case the petitioner is neither named in the First Information Report nor remanded till date. Statement to that effect has been made in para-10 of the petition which reads as follows:-

“That the learned Additional Sessions Judge-I, Vaishali has referred para-81 of the case diary that the petitioner contains antecedent. This fact is contrary to the facts. The I.O. has mentioned about the Hajipur Town P.S. Case No. 143 of 2013. Petitioner has neither named nor he has been remanded in this case upto 14.03.2016. Dy. S.P. has mentioned that final decisions will be taken after investigation on certain points.”

Considering the fact that recovery has not been made from the possession of the petitioner and investigation has already concluded, 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 District & Sessions Judge, Vaishali at

Hajipur in connection with Bidupur P.S. Case No. 525 of 2015.



(Dinesh Kumar Singh, J)