

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.615 of 2017

Arising Out of PS.Case No. -76 Year- 2016 Thana -NIRMALI District- SUPAUL

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Rajeev Kumar @ Rajeev Kumar Issar, Son of Pitambar Issar, Resident of
Village- Manhi, Police Station- Anadharamath, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 11-01-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in connection with Nirmali P.S.
Case No. 76 of 2016 instituted for the offence punishable under
Sections 414 of the Indian Penal Code and Section 25(1-b)A, 26
and 35 of the Arms Act.

The S.H.O. in his self statement has alleged that while he
was proceeding to investigate Nirmali P.S. Case No. 75 of 2016,
he saw three motorcycles having two riders each in suspicious
condition. Looking to the police party, they attempted to U turn,
but they were apprehended by the police party. On search, one
country made pistol and two live cartridges, one mobile phone
were recovered from the possession of Bhogi @ Bogendra
Kumar. From the possession of this petitioner, who was a pillion
rider, one Nepali currency of 100/-, one currency of Rs. 20/-, one Nepali



SIM and other articles were recovered.

Learned counsel for the petitioner submits that nothing incriminating material has been recovered from the possession of the petitioner. There is no substantive evidence to suggest his implication in the present case. The motorcycle in question does not belong to the petitioner nor he claims the same.

Learned APP, on the other hand, opposed the submissions.

The petitioner is in custody since 07.07.2016 and admittedly nothing incriminating material has been recovered from his conscious possession, I am inclined to extend him the privilege of bail.

Let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Birpur, District-Supaul in Nirmali P.S. Case No. 76 of 2016 subject to the condition that:

- (i) The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Sanjay Kumar, J)

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