

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37642 of 2017

Arising Out of PS.Case No. -354 Year- 2016 Thana -AGAMKUAN District- PATNA

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Mukesh Singh @ Mukesh Kumar @ Budhan Gope, Son of Bijendra Prasad, resident of Village- Noniya Bigha, P.S.- Hilsa, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sidhendra Narayan Singh, Advocate.

For the Opposite Party : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 10-10-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 07.03.2017 in connection with Special Case No. 75A of 2016 arising out of Agamkuan P.S. Case No. 354 of 2016 for the offences alleged under Sections 25(1-B) a, 26/35 of the Arms Act and 20/22 NDPS Act.

3. It is submitted that the petitioner has been falsely implicated and the petitioner's name has been included only on the confessional statement of co-accused Arbind Kumar @ Bhim Yadav. The petitioner was not apprehended from the spot nor any recovery of incriminating articles has been made from his conscious possession. It is submitted that investigation has now been concluded and the charge sheet having already been filed, there is no chance of tampering with the evidence.

4. Learned APP opposes the bail petition and submits that the accusations are serious in nature, concerning recovery of one country made pistol, two live cartridges and half kilograms *Charas* from the said Arbind Kumar @ Bhim Yadav who has



disclosed the complicity of the petitioner.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case and considering the period of custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-X, Patna, in connection with Special Case No. 75A of 2016 arising out of Agamkuan P.S. Case No. 354 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

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