

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40732 of 2016

Arising Out of PS.Case No. -332 Year- 2016 Thana -SIWAN CITY District- SIWAN

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Amish Kumar Singh @ Bikky, Son of Bijendra Singh, Resident of Village-
Biswaniya, P.S. Darauli, District Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.44268 of 2016

Arising Out of PS.Case No. -332 Year- 2016 Thana -SIWAN CITY District- SIWAN

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Vivek Dubey, Son of Late Manoj Dubey, R/o village- Maghar 22 Kattha,
P.S.-Bhagwanpur, District-Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.40732 of 2016):

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

(In Cr.Misc. No.44268 of 2016):

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

3 25-01-2017 The petitioner of both the aforesaid applications seeks bail

in connection with Siwan Town P.S. Case No.332 of 2016 registered

under Sections 401, 413 and 414/34 of the Indian Penal Code besides

Sections 20 and 22 of the N.D.P.S. Act. Therefore, both the aforesaid

applications have been heard together and are being disposed of by this



common order.

The accusation is that on receiving secret information about movement of the miscreants on two motorcycles at bypass situated near Ramnagar, the police reached there. While one person, who was on one motorcycle, succeeded to flee away but two persons, who were on another motorcycle, tried to flee away on starting the motorcycle but they were apprehended, who disclosed their name as Amish Kumar Singh alias Bikky (petitioner in Criminal Misc. No.40732 of 2016) and Vivek Dubey (petitioner in Criminal Misc. No.44268 of 2016) and also disclosed the name of the person , who succeeded to flee away leaving his Passion motorcycle bearing Registration No.BR-4J-3639, as Prince Kumar Singh. On search of the motorcycle of the petitioners, 500 grams Charas, kept in 20 purias, beneath the seat of the motorcycle, was recovered.

Learned counsel appearing on behalf of the petitioners submits that, in fact, the motorcycle, which is said to be recovered from the possession of the petitioners, is not belonging to the petitioners and the petitioners have falsely been implicated in this case on mere suspicion. Further submission is that while both the petitioners are accused in two cases, as detailed in paragraph-3 to their applications, but in both the cases the petitioners are on bail and in the present case, they are in custody since 02.05.2016. It is further submitted that while the Investigating Officer has submitted the chargesheet, on investigation, but it has not been detected, who was the owner of the



motorcycle, which is said to be recovered from the possession of the petitioners.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Sessions Judge/1st Additional Sessions Judge, Siwan, in connection with Siwan Town P.S. Case No.332 of 2016/NDPS Tr. Case No.75 of 2016. Out of the two sureties, one must be close relative of the petitioners, who will file an affidavit giving genealogy as to how he/she is related with the petitioners. The bailors will undertake to furnish information to the court about any change in the address of the petitioners. Further, the petitioners shall attend the trial court on each and every date fixed in the case during the course of the trial. If the petitioners fail to appear in the trial court during the course of trial on two consecutive dates without any reasonable cause being shown, the trial court would be at liberty to cancel the bail bonds of the petitioners.

(Rajendra Kumar Mishra, J)

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