

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.136 of 2017

Arising Out of PS.Case No. -252 Year- 2016 Thana -DANAPUR District- PATNA

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Rakesh Kumar Son of Kanhai Lal Yadav@Kanhai Rai Resident of Digha
Polson, P.S. Digha, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

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

In this case, the petitioner is seeking bail in connection with Danapur P.S. Case No. 252 of 2016 registered for offences under sections 54 of the Bihar Excise Act (Amendment Act, 2016) and Section 25(1-b)A, 26, 35 of the Arms Act.

The petitioner was apprehended with illegal liquor including arms. The petitioner had earlier moved before this Court in Cr. Misc. No. 39309 of 2016 and this Court vide order dated 18.10.2016 had rejected the prayer for bail with a liberty to renew his prayer for bail after six months' of judicial custody. The petitioner is in custody since 09.06.2016.

Looking to the entire facts and circumstances of the



case as also the period of custody, let the petitioner, namely, Rakesh Kumar, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Danapur P.S. Case No. 252 of 2016, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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