

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5518 of 2018

Arising Out of PS.Case No. -196 Year- 2016 Thana -GAUTAMBUDHNAGAR District- SIWAN
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Rupendra Kumar Ram @ Pentar @ Upendra Kumar, son of Raj Kumar
Ram, Resident of Village- Kodai, P.S. Pachrukhi, District Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-02-2018 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with G. B. Nagar P. S. Case No. 196 of 2016 registered under
Sections 399 and 401 of the Indian Penal Code and 25(1-b)a, 26
and 35 of the Arms Act.

It is submitted by the learned counsel for the
petitioner that the petitioner was not caught on the spot by the
petitioner. His name was disclosed by some other co-accused,
who was apprehended as one of the persons present at the place
of occurrence. He submitted that there is no material to show
that the accused persons had assembled in order to commit
dacoity and, thus, the offences punishable under Sections 399
and 402 of the Indian Penal Code would not be attracted in the



present case. He submitted that as far as the offence under the Arms Act is concerned, since no incriminating article was recovered either from his possession or from his house, the ingredients of the offence would not be attracted against him. He also submitted that the petitioner has got no criminal antecedent and having got roots in the society, he is not likely to abscond or tamper with the evidence.

Despite repeated calls, no body appears on behalf of the State to oppose the application for grant of pre-arrest bail to the petitioner.

Regard being had to the submissions made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in G. B. Nagar P. S. Case No. 196 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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