

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16213 of 2018

Arising Out of PS. Case No.-362 Year-2016 Thana- KUDHNI District- Muzaffarpur

Rakesh Kumar @ Golu @ Navin @ Navin Kumar, S/o Suresh Sah @ Suraj Sah, resident of Mohalla- Rasulpur Wazid, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Smt Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 02-05-2018 Heard learned counsel for the petitioner and the State.

Prayer for bail of the petitioner was earlier rejected by this Court vide order dated 27.7.17 passed in Cr. Misc No. 24180 of 2017 with liberty to renew his prayer for bail after six months in the court below itself if no substantial progress is made in the case.

A report was called for from the Court below which has been received. From the report, it appears that after framing of charge in the case only one witness has been examined.

This case has been instituted under Sections 399, 402, 414 of the IPC and Section 25(1-b) a, 26(ii), and 35 of the Arms Act and Sections 8, 20 (b)(II) (B) of the N.D.P.S. Act. The petitioner is in custody since 16.11.2016



Learned counsel for the petitioner submits that one country made katta along with live cartridges was recovered from his possession. It is further alleged that 5 kgs of Ganja was also recovered from beneath the rear seat of Scorpio on which the petitioner along with seven other persons were travelling. It is submitted that co-accused with similar allegation has been granted regular bail by a co-ordinate Bench of this Court vide order dated 10.3.17 passed in Cr. Misc no. 8187 of 2017.

Therefore, keeping in view the period spent by the petitioner in custody and also the fact that Court below after framing of charge in the case has examined only one witness, prayer for bail of the petitioner is allowed.

Let the petitioner, named above, 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 Sessions Judge -cum Special Judge, Muzaffarpur in connection with Kurhani P.S. case no. 362 of 2016, subject to the condition that both the bailers will be the close relatives of the petitioner.

The petitioner in any manner will not try to hamper the trial by intimidating or influencing the witnesses and will remain present on each and every date of trial. Any two



subsequent defaults will result in cancellation of bail bonds in
the Court below.

(Sanjay Priya, J)

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