

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.62953 of 2017**

Arising Out of PS.Case No. -484 Year- 2017 Thana -JAHANABAD District- JEHANABAD

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Raghu Kumar, Son of Vishal Singh, Resident of Village- Nagla, P.S.-  
Kizar, District- Arwal.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Krishna Deo Raj, Advocate.

For the Opposite Party : Smt Indu Kumari Srivastava, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      17-02-2018                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is languishing in custody since  
30.07.2017 in a case for the offence registered under Sections 399,  
402, 414 of the IPC, 25(1-b)(a), 26, 35 of the Arms Act and 30(a)  
of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the police upon  
secret information to the effect that some miscreants had  
assembled near the Power Grid, North of Irki and were planning  
for executing some criminal activity, the said police officials  
reached the place of occurrence and arrested the accused persons  
including the petitioner herein. Where after a country made pistol  
loaded with live cartridge and one live cartridge were recovered



from possession of the petitioner. It is also alleged that total 9 liters wine is recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet/prosecution report has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that some arms and total 9 liters wine is recovered. The petitioner denies making attempt to commit dacoity. There is no such material to make out an offence under Sections 399 and 402 of the IPC. No stolen property is alleged to have been recovered from possession of the petitioner. As per the prosecution case, one country made pistol loaded with live cartridge and one additional live cartridge is said to have been recovered from possession of the petitioner. Except for this, no incriminating article is recovered from possession of the petitioner. As far as 9 liters of liquor is concerned, the same is alleged to have been recovered from the car in question. The car in question does not belong to the petitioner. The petitioner had no knowledge regarding the liquor kept in the car in question. There is no compliance of Section 100 Cr. P.C. Other co-accused persons have been granted bail this Bench as well as another Co-ordinate Benches of the Court vide Cr. Misc. Nos. 55310 of 2017,



59482 of 2017 and 6333 of 2018.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II, Jehanabad, in connection with Jehanabad P.S. Case No. 484 of 2017.

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**(Sudhir Singh, J)**

