

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18418 of 2018

Arising Out of PS. Case No.-492 Year-2016 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Akhilesh Kumar @ Rahul Kumar ,Son of Birju Singh, Resident of Village-
Rahatpur P.S.-Ballia, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bikramdeo Singh, Adv.
Mr. Sada Nand Roy, Adv.
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 11-04-2018 Heard Sri Bikramdeo Singh, learned counsel, assisted
by Sri Sada Nand Roy, learned counsel for the petitioner and Sri
(Dr.) Ajeet Kumar, learned Addl. Public Prosecutor.

This is the second attempt for grant of bail on behalf
of the petitioner. The petitioner, who is in custody since
05.12.2016 in Begusarai Muffasil (Lakho) P.S. Case No.492 of
2016 registered for the offence under Sections 390, 402, 414 of
the Indian Penal Code, under Sections 25(1-b)a, 26, 35 of the
Arms Act and Sections 30(a) and 37(c) of the Bihar Prohibition
and Excise Act,2016, has renewed his prayer for bail. Earlier,
his prayer for bail was rejected on 15.09.2017 vide
Cr.Misc.No.42590 of 2017.

Learned counsel for the petitioner submits that the



reason for renewal of prayer for bail is that though the petitioner is in custody since 05.12.2016, till date even charge has not been framed. Sri Bikramdeo Singh, learned counsel for the petitioner has also referred to orders passed by Coordinate Bench of this Court, whereby out of nine accused persons, who were apprehended almost in similar circumstances, other three accused persons were granted bail vide Cr.Misc.No.15242 of 2017(Rishiraj Vs. State of Bihar), Cr.Misc.No.24316 of 2017(Rahul Kumar Vs. State of Bihar) and Cr.Misc.No.23970 of 2017 (Ram Nandan Paswan @ Doman Paswan Vs. State of Bihar).

Learned Addl. Public Prosecutor has opposed the prayer for bail and submits that earlier considering the nature of accusation as well as criminal antecedent of the petitioner, his prayer for bail was rejected and, as such, there is no reason to pass favourable order.

Be that as it may, since other three accused persons almost in similar circumstances, have already been granted bail and despite the fact that the petitioner is in custody since 05.12.2016, till date charge has not been framed, the Court is of the opinion that without any trial, the petitioner may not be detained further. Accordingly, let the petitioner,



namely,Akhilesh Kumar @ Rahul Kumar be enlarged 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 Addl. Sessions Judge-II, Begusarai-cum- Special Judge, Bihar Prohibition and Excise Act,2016 in connection with Begusarai Muffasil(Lakho) P.S. Case No.492 of 2016 with conditions that (i) one of the bailors must be blood relation of the petitioner and (ii) during trial, the petitioner shall remain physically present in the court on each and every date. If continuously on two dates without prior permission of the trial court, the petitioner remains absent, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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