

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17369 of 2019**

Arising Out of PS. Case No.-92 Year-2018 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

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RISHAV KUMAR @ RISHABH KUMAR Son of Pawan Singh Resident of
Village - Singhre, Gandhi Tola, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jharkhandi Upadhyay

For the Opposite Party/s : Mr.Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 31.05.2018 in a case registered for the offences punishable under Sections 399, 402/34, 412, 414 of the Indian Penal Code and Sections 25 (1-B), 26,35 Arms Act and Section 30 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self statement of Madhurendra Kumar, Inspector-cum-S.H.O. Industrial Area Police Station is to the effect that on 29.05.2018, during the patrolling and vehicle check, a secret information was received that near Sudha factory some miscreants are preparing to



commit dacoity, whereupon, a raid was land when six accused persons were apprehended, including the petitioner. On frisking, from the possession of the petitioner, one country made pistol loaded with two cartridges were recovered. Similar recovery was made from the other co-accused persons.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case and the investigation has already been concluded. It is further submitted that apart from the present case, the petitioner is accused in three other cases.

Learned APP for the State submits that the recovery has been made from the conscious physical possession of the petitioner.

Considering the fact that investigation already being concluded, let the above named petitioner 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 ADJ-II-cum-Special Judge, Vaishali, Hazipur in connection with Industrial Area (Hazipur) P.S. Case No. 92 of 2018.

Since the petitioner is having serious criminal antecedent, learned court below will be at liberty to cancel the



bail bonds of the petitioner, if he defaults for two consecutive occasions or substantially gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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