

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11691 of 2019**

Arising Out of PS. Case No.-399 Year-2018 Thana- RUPASPUR District- Patna

AKASH KUMAR aged about 19 years Gender-Male S/o Shankar Singh @  
Shankar Singh Kushwaha village-Chitragupta Nagar House No.-K-54, P.S-  
Patrakar Nagar, Dist.-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar Upadhyay  
For the Opposite Party/s : Mr.Ganesh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      14-03-2019                      Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 399, 402, 319, 414 of the Indian Penal Code and Section 15(1-b)a, 26 and 35 of the Arms Act.

Informant in his self-statement has alleged that on receiving secret information that some miscreants have assembled to commit some grave crime, he reached there and upon seeing the police party, miscreants started fleeing away, however, eight miscreants were apprehended and from



possession of Bablu, one country made loaded pistol and from the possession of Pintu Kumar, three live cartridges were recovered.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case although according to F.I.R., he was arrested on 15.09.2018 and arms were also recovered on the same date but the same was produced before the C.J.M on 17.09.2018. Similarly, situated co-accused persons have been granted bail by a co-ordinate bench of this Court vide order dated 18.01.2019 in Criminal Miscellaneous No. 80044 of 2018. Petitioner has got no criminal antecedent and is in custody since 16.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Rupaspur P.S. Case No. 399 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(S. Kumar, J)**

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