

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13455 of 2019

Arising Out of P.S. Case No.-464 Year-2018 Thana- BRAHMPUR District- Buxar *

ROHIT KUMAR @ APPU KUMAR @ APPU, age-23 years (Male), Son of
Vijay Singh @ Bangali Singh Resident of Village - Devajna, P.S.- Dawat,
District - Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
11.10.2018 in connection with Brahmpur P.S.Case No.464 of
2018 for the offence alleged under Sections 399 and 402 of the
Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the
Arms Act.

The prosecution case as lodged by the police
personnel is that on secret information when the police reached
the spot some persons tried to flee away out of them three were
arrested including the petitioner and two managed to flee away
whose names were revealed by the apprehended co-accused.
From the possession of other co-accused country made pistol
and live cartridges were recovered and from the possession of



the petitioner one live cartridge was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, no overt-act has been committed and that chargesheet has already been submitted. Petitioner is languishing in judicial custody since nearly five months.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Brahmpur P.S.Case No.464 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Buxar, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

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(Nilu Agrawal, J)

