

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14685 of 2019**

Arising Out of P.S. Case No.-41 Year-2018 Thana- KAJRA District- Lakhisarai *

BIKKI KUMAR RAM, aged about 27 years (Male), S/o Mantu Ram R/o
Village- Madhopur Tola, P.S.- Kajara, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 12-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
22.07.2018 in connection with Kajra P.S.Case No.41 of 2018
for the offence alleged under Sections 25(1-b)A, 26(1) Arms Act
and Sections 16, 17, 18, 20 and 23 of the UAP Act.

The prosecution case as lodged by the police
personnel is that on secret information that one Naxalite is
providing provisions to other Naxalites in the mountain where
others hiding, the police apprehended the petitioner and from
his possession one country made pistol loaded and 29 live
cartridges were recovered along with some clothes which were
being taken to be provided to the other Naxalites. Accordingly, a



seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt-act has been committed by him and he is languishing in judicial custody since eight months. Just because the petitioner does not have clean antecedent, he has been made accused in the present case. He further submits that nothing has been recovered from his possession and a false seizure list has been prepared due to highhandedness of the police. He further submits that chargesheet has already been submitted and petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two more cases of similar nature are pending against him.

Considering the nature of allegations 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 Kajra P.S.Case No.41 of 2018 to the satisfaction of learned Court of Kumar Prabhakar, Judicial



Magistrate-Ist, Lakhisarai, subject to the following conditions:-

(i) 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.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(iv) The petitioner will appear before the Superintendent of Police, Lakhisarai in the first week of every month for a continuous period of nine months and if the petitioner does not appear within the specified time, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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