

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16380 of 2019

Arising Out of P.S. Case No.-115 Year-2018 Thana- NAUHATTA District- Rohtas

VIVEK SINGH @ VIVEK KUMAR SINGH, aged about 22 years, Gender-
male, Son of Late Fulvansh Singh, Resident of Village- Pansa, P.S.- Haidar
Nagar, District- Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Indra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
05.10.2018 in connection with Nauhatta P.S.Case No.115 of
2018 for the offence alleged under Sections 394, 307, 326 and
401 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 and
27 of the Arms Act.

The prosecution case as lodged by the police
personnel is that on information that some culprits have looted
Rs.2,50,000/- and were fleeing away, the police party reached
there and found three persons surrounded by villagers who were
assaulting them. The petitioner was apprehended along with
other persons and on search from his possession two live



cartridges were 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 and has been falsely implicated in the aforesaid said. He submits that no overt-act is alleged to have been committed by the petitioner and he is languishing in judicial custody since nearly six months. Chargesheet having been submitted, there being no allegation of tampering with the prosecution evidence. He further submits that the looted amount has also not been recovered from the possession of the petitioner.

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

Considering the nature of allegations, the period of custody and the fact that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, 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 Nauhatta P.S.Case No.115 of 2018 to the satisfaction of Sri Vivek Kumar Singh-Ist Class, Judicial Magistrate, Dehari, Rohtas, 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.

(Nilu Agrawal, J)

B.Kr./-

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