

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19424 of 2019

Arising Out of PS. Case No.-1028 Year-2018 Thana- BIHTA District- Patna

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Prem Kiran Mallik, Son of Kriti Dulal Mallik Resident of Village - Sakri,
P.S.- Tarauni, Distt.- Darbhanga , Presently residing at Mainpura Murti makan
Near House Green Heritage Apartment, P.S.- Patliputra, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha

For the Opposite Party/s : Mr. Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 17.09.2018 in a case registered for the offences punishable 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 is that a secret information was received that some miscreants are preparing to commit dacoity, whereupon, a raid was laid and five persons were apprehended including the petitioner. From the possession of the petitioner, one loaded country made pistol, two live cartridges and one mobile phone were recovered.

It is submitted by learned counsel for the petitioner that similarly situated co-accused, Prince Kumar has been granted



bail by a Co-ordinate Bench of this Court vide order dated 13.12.2018 passed in Cr. Misc. No.74669 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the fact that investigation has already been concluded and similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named 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 the learned **ACJM-I, Danapur, Patna** in connection with **Bihta P.S. Case No.1028 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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