

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74666 of 2018

Arising Out of PS. Case No.-65 Year-2017 Thana- FATEHPUR District- Gaya

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Ankit Kumar @ Happy, Son of Ravindra Ray @ Kavindra Nath Ray, Resident of Village- Tajpur, P.S.- Jamaniya, District- Gajipur, at present Bhupatinagar, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 16-01-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is in custody since 08.03.2017 in connection with Sessions Trial No.17/2017/292/17 arising out of Fatehpur P.S. Case No.65 of 2017 registered for the offence under Sections 307 and 414 of the Indian Penal Code and Sections 25(1-b)A/26/35/27 of the Arms Act.

Learned counsel for the petitioner submits that the present application renewing the prayer for bail is made in view of the fact that the similarly situated co-accused persons have since been extended the privilege of bail in Cr.Misc. No.48639 of 2017, vide order dated 17.10.2017. It has further been submitted that the petitioner has now been languishing in jail for



more than one and half year and so far as Sections 307 and 414 are concerned, the same are not applicable as against the petitioner as there was an allegation of recovery of arms against him. It is further submitted that the petitioner was not arrested from the spot, but was arrested on the basis of some suspicion that he was one of those who was fleeing away.

Considering the aforementioned facts and circumstances and also the period of custody, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 10th Additional District & Sessions Judge, Gaya, in connection with S. Trial No.17/2017/292/2017 arising out of Fatehpur P.S. Case No.65 of 2017, subject to the following conditions:

(1) One of the bailors will be his own relative, namely, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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