

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26115 of 2019**

Arising Out of PS. Case No.-488 Year-2018 Thana- SAHEBGANJ District- Muzaffarpur

RAKESH KUMAR Son of Late Bharat Rai @ Late Bharat Ray Resident of
Village - Madhopur Hazari, P.S.- Sahebganj, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Rana Randhir Singh

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

2 08-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
01.01.2019 in connection with Sahebganj P.S. Case No. 488 of
2018 for offences punishable under Sections 25(1-b) a, 26, 35 of
the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on information that in Ashirvad Micro Finance
Company Branch some criminals had come to commit loot and
the persons present there had caught one Vikash Kumar, the
police reached there. On search from the possession of co-
accused Vikash Kumar a country-made pistol with one live
cartridge was recovered, who in his confessional statement
revealed the name of the petitioner as his associate. 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 nothing has been recovered from the conscious possession of the petitioner, he was not apprehended at the spot and the confessional statement of the co-accused before the police has no evidentiary value in the eye of law. He further submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody for more than four months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case of similar nature is pending against him, although the counsel for the petitioner submits that the said case relates to the same offence and apart from that he has no criminal antecedent.

Considering the nature of allegations, period of custody and that charge-sheet has already been submitted, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-I, (West), Muzaffarpur, in connection with



Sahebganj P.S. Case No. 488 of 2018, subject to the following conditions :

1. 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.
2. 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.

(Nilu Agrawal, J)

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