

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20858 of 2020

Arising Out of PS. Case No.-117 Year-2019 Thana- NAYAGAON District- Saran

SAMIT KUMAR Son of Manish Kumar Resident of Village-Shahpur,
Danapur Cant, Ward No.6, Police Station-Danapur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar

For the Opposite Party/s : Mr.Uma Nath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Uma Nath Mishra, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Nayagaon P.S. Case No. 117 of 2019, registered for the offence punishable under Sections 397, 307, 414 of the Indian Penal Code and Sections 27, 25(1-B)A, 35 of the Arms Act.

The accusation is regarding the police having apprehended the petitioner, upon chase and on a search being made, a country made pistol and a used cartridge as also a motorcycle were recovered from the petitioner. It is further



alleged that the petitioner had disclosed before the police that during the course of snatching of a bike, he had fired from his gun.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 20.8.2019. It is further submitted that the petitioner has been granted bail in the case wherein allegation has been made regarding snatching of motorcycle and a sum of Rs. 60,000/-, by this Court by an order dated 11.12.2019 passed in Criminal Miscellaneous No. 82192 of 2019. It is further submitted that the petitioner is a young boy, studying in St. Xavier College of Management and Technology, Digha, Patna.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the leaned counsel for the parties and taking into account the period of incarceration of the petitioner herein, I deem it fit and proper to admit the petitioner to the privilege of regular bail, however, subject to certain conditions.

Accordingly, the above named petitioner is directed to be



enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Saran, Chapra in connection with Nayagaon P.S. Case No. 117 of 2019.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the regular bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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