

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25850 of 2020**

Arising Out of PS. Case No.-519 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Vikash Kumar Rajak @ Vikash Kumar Razak, aged about 25 years, Male,
Son of Late Raja Ram Rajak, Resident of Village- Chakki Rasulganj, Police
Station- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

5 07-12-2020 Heard Mr. Sunil Prasad Singh, the learned counsel for

the petitioner and Mr. Atul Chandra, the learned Additional P.P.

through video conferencing.

The petitioner seeks bail in Motipur P.S. Case No.519
of 2019, registered under Sections 120(B), 121, 121(A), 122,
123 of the Indian Penal Code, under Sections 16, 18, 20, 21 of
the U.A.P. Act and under Sections 25(1-b)a/26 of the Arms Act.

The informant, a police official, after getting
information that the petitioner, who is absconding in Motipur
P.S. Case No.40 of 2019, is present in his village, he and other
police officials raided the house of the petitioner and one
country made pistol and a live cartridge were recovered. Some
leaflets of extremist organization were also recovered from the



house of the petitioner. The petitioner is an active member of leftist extremist organization.

Learned counsel for the petitioner submits that the petitioner has no manner of concern with the Naxal organization. The petitioner is a student and he is preparing for competitive examination. The petitioner is in custody since 29.12.2019. Only one country made pistol and a live cartridge were recovered from possession of the petitioner and for that the petitioner has remained in jail for more than 11 months. The petitioner has got criminal antecedent and he is accused in one case being Motipur P.S. Case No.40 of 2014, registered under Sections 307/34 of the Indian Penal Code and 27 of the Arms Act. It is further submitted that from perusal of para 35 of the case diary, as pointed out on the last date during the course of hearing, it transpired that the petitioner has also got two other criminal antecedents but the petitioner had no knowledge about the two cases registered against him. The petitioner could not know how his name surfaced in the case. The petitioner has also not been remanded in the aforesaid two cases. There is no other material to show that the petitioner is an active member of the banned Naxal organization.

The learned Additional P.P. opposed the prayer for



bail.

Perused the records and the case diary. The petitioner was apprehended in his house and from possession of the petitioner, one country made pistol and live cartridge were recovered. Of course some leaflets of Naxal organization were recovered, but it appears that the petitioner is in jail for more than 11 months.

Taking into consideration the facts aforesaid, petitioner, namely, Vikash Kumar Rajak @ Vikash Kumar Razak is directed to 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 the learned Sessions Judge, Muzaffarpur in connection with Motipur P.S. Case No.519 of 2019.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

