

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26475 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

AKASH KUMAR S/o Jitendra Kumar Singh @ Munchun Singh Resident of
Village-Harser, P.S.-Siwaipatti, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-11-2020 Heard Mr. Nachiketa Jha, learned counsel for the

petitioner and Mr. Amit Kumar Rakesh, Additional Public

Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with
Siwaipatti PS Case No. 07/2020 registered for the offence
punishable under Sections 467, 468, 471, 414, 386/34 of the
IPC, under Section 25(1-b) a, e, of the Arms Act, under Section
19 of the UAP Act, 1967 and under Section 17 of the CLA Act.

3. The allegation, as per First Information Report, is
that police, on the basis of secret information that members of
Azad Hind Fauz had assembled in the house of one Bibhash
Kumar, raided the said house, and upon seeing the police party,
one person who, tried to flee away, was apprehended and
disclosed his name as Akash Kumar i.e., petitioner and under his



bed, a country made pistol, a cartridge and a mobile with a sim were recovered.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has got no criminal antecedent and he has falsely been implicated in this case. Learned counsel for the petitioner further submits that, as per FIR, no incriminating article has been recovered from the house of the petitioner but the said recovery has been made from the house of the co-accused, Bibhash Kumar which was kept under the bed in the house of Bibhash Kumar.

5. Learned counsel also submits that the co-accused Bibhash Kumar has been granted bail by this Court vide Cr. Misc. No. 24470/2020. Other co-accused persons, i.e., Rahul Kumar and Banti Kumar have also been granted bail by this Court vide Cr. Misc. Nos. 24434/2020 and 22952/2020 respectively.

6. Learned counsel for the petitioner submits that the petitioner is in custody since 08.02.2020.

7. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused persons have been



granted bail by this Court and the petitioner is in custody since 08.02.2020 , I am inclined to grant regular bail to the petitioner subject to the condition that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

8. Accordingly, let the petitioner, AKASH KUMAR be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Siwaipatti PS Case No. 07/2020.

9. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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