

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36299 of 2020

Arising Out of PS. Case No.-515 Year-2020 Thana- KANKARBAG District- Patna

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Amitesh Kumar @ Amitesh Raushan Son Of Shri Avinash Prasad @ Avinash Ray Resident Of Village - Gandhi Chowk, Jandaha Bazar, P.S. - Jandaha, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-12-2020 Heard learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Kankarbag P.S. Case No. 515 of 2020 registered under sections 399, 400, 401, 402, 412, 414 and 120B of the Indian Penal Code, sections 25(1-B) (a), 26 and 35 of the Arms Act and sections 20 and 22 of the NDPS Act.

As per allegation in the FIR registered on the self statement of Inspector-cum-S.H.O., Kankarbagh police station, it is stated that on secret information having been received that a large number of criminals had gathered and were planning to give effect to an occurrence, the police party conducted a raid. It



is stated that on seeing the police personnel, 7-8 boys who had gathered at one place, tried to flee but six of them including the petitioner herein were caught. It is stated that on search, various articles from each of them including ganja, arms etc. were recovered, details of which has been given in the FIR and the seizure list. It is further stated that from possession of the petitioner a mobile phone of the company Apple was recovered.

It is submitted by learned counsel for the petitioner that the allegation levelled against the petitioner is false and incorrect. The petitioner was not amongst the persons as alleged in the FIR but was passing by and was caught by the police under a mistaken impression. No incriminating article has been recovered from his possession. The petitioner is in custody since 22.7.2020 and has no criminal antecedent. Investigation with respect to him has already concluded. It is further submitted that the petitioner is to appear in the 66th Combined (Preliminary) Competitive Examination to be conducted by the Bihar Public Service Commission and has been provided e-admit card bearing Roll no.408934 and Registration no.66177904. A copy of the e-admit card has been provided by the learned counsel for the petitioner to the court master and has been perused by the Court



The application for bail is opposed by learned APP
for the State.

Having heard learned counsel for the parties and
taking into consideration the fact that only a mobile phone is
stated to have been recovered from the possession of the
petitioner together with the fact that the petitioner has no
criminal antecedent and is in custody since 22.7.2020, the Court
is inclined to enlarge the petitioner on bail. The petitioner is
directed to be enlarged on bail in connection with Kankarbagh
P.S. Case No. 515 of 2020 on furnishing bail bond of Rs.
10,000/ (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of the Sessions Judge-cum-
Special Judge, NDPS, Patna.

(Partha Sarthy, J)

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