

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75306 of 2019

Arising Out of PS. Case No.-155 Year-2019 Thana- SINGHESHWAR District- Madhepura

RAKESH KUMAR Son of Sri Hira Sah @ Hira Prasad Gupta Resident of
Village-Baihari, P.S.-Singheshwar, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offence punishable under Sections 399 and 402 of the Indian
Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

When the petitioner was apprehended, a country made
loaded pistol was recovered from his possession and it was
suspected that the petitioner and others were preparing to
commit dacoity. Petitioner is accused in three other cases, out of
which, two are under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 07.07.2019. Investigation of the
case is already complete. Mere possession of fire arm would not
lead to presumption that the petitioner and others were
preparing to commit dacoity only and preparation of several



offences is not punishable.

Considering the entire facts including the criminal antecedents of the petitioner, let the petitioner, above named, be released on bail, **after framing of charges** so that trial may not hamper, on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Singheshwar P.S. Case No. 155 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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