

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31198 of 2021**

Arising Out of PS. Case No.-138 Year-2021 Thana- KANKARBAG District- Patna

Abhishek Kumar, Son of Navin Singh @ Navin Kumar Singh @ Naveen Singh, Resident of Rukunpura, P.S.-Salimpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Harish Kumar, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      28-09-2021

In view of the typographical error in the description of the petitioner, the learned counsel for the petitioner submits that he may be permitted to correct the name as “Abhishek Kumar”, instead of “Abishek Kumar”.

Prayer for said correction is allowed. Petitioner’s name may be read as “Abhishek Kumar”, which is the spelling of the petitioner’s name in the *Vakalatnama* also.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner is stated to be a student of B.Sc. Final year and his III Part Examination is scheduled to commence on 29.09.2021. It is submitted that the examination will continue up to 03.11.2021. Prayer has been made in I.A. No.1 of 2021 for grant of provisional bail, in connection with Kankarbagh P.S.



Case No.138 of 2021 registered for the offence punishable under Sections 25(1-B)A, 26, 35 of the Arms Act, so as to allow the petitioner to appear in the examination. He is stated to be in custody now since 06.02.2021.

Matter has been listed for consideration of the prayer on the interlocutory application, in view of the examination being scheduled.

When the case is taken up out of turn, the counsel submits that based on the allegations in the instant case, at best the recovery of mobile phone is attributed to the petitioner. Arising out of the same recovery, another case has also been lodged, which is Kankarbagh P.S. Case No.137 of 2021; as well as Salimpur P.S. Case No.316 of 2020, in which cases the petitioner is already allowed bail. In the instant case there is recovery of only a mobile phone from the petitioner, and the alleged arms is recovered from a co-accused.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.



Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Arvind Kumar Singh, J.M. 1<sup>st</sup> Class, Patna, in connection with Kankarbagh P.S. Case No.138 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

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