

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40049 of 2021

Arising Out of PS. Case No.-655 Year-2020 Thana- PATRAKARNAGAR District- Patna

ASHISH KUMAR S/o- Late Dev Kumar Singh @ Devkumar Singh R/O-
Pahadi Chak, P.S. - Sonpur, District - Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 02-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 16.10.2020 seeks
regular bail in connection with Patrakar Nagar P.S. Case No.
655 of 2020 dated 14.10.2020 registered for offences punishable
under Sections 399, 402 of the Indian Penal Code and Sections
25 (1-B)(a), 26 and 35 of the Arms Act.

Prosecution case in brief is that upon secret
information about commission of crime by some miscreants, a
team was constituted by the S.H.O. of *Patrakar Nagar* Police
Station, Kankarbagh as well as *Agamkuan* Police Station. When
the team of the police reached near *Malahi Pakri more*, where
four persons on three motorcycles were found in suspicious



condition, who were apprehended and disclosed their name as Praveen Kumar Singh, Lablu Singh, Anish Kumar and Ashish Kumar (Petitioner) from whose possession a country-made loaded pistol, several mobile phones, A.T.M. cards and motorcycle were recovered.

Learned counsel on behalf of the petitioner submits that the mobile phone is in the name of petitioner and alleged motorcycle, which was recovered from the possession of petitioner is in the name of his mother. He further submits that similarly situated co-accused Lablu Singh @ Lablu Kumar has already been released on bail by this Court vide order dated 17.01.2022 passed in Criminal Miscellaneous No. 27264 of 2021. The petitioner is in custody since 16.10.2020.

Learned A.P.P., has opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case, period of custody of the petitioner as well as no specific allegation of tempering the evidence or influencing the witnesses and no likelihood of trial being concluded in near future, the petitioner above named is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Patna in connection with Patrakar Nagar P.S. Case No. 655 of 2020 with a condition that the petitioner will appear before the S.H.O. of the both the Police Station at 9 am and 10 am daily. In case of any default, the bail bond of the petitioner shall be cancelled. The other conditions are as follows:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

manish/-

U			
---	--	--	--

