

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45865 of 2021**

Arising Out of PS. Case No.-564 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

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ABHISEK KUMAR @ PRAGATI Son of Shiv Chandra Ray @ Shiv Chandra
Prasad Resident of Village - Sugreedih, P.S.- Mahindwara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 15-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 01.07.2020,
seeks regular bail in connection with Ahiyapur P.S. Case No.
564 of 2020 for the offence punishable under Sections 25(1-b)a,
26 and 35 of the Arms Act.

The prosecution case, in brief, is that in course of
patrolling duty, the police got information that some miscreants



are fleeing towards Jhapaha by three high speed motorcycles. Out of them, two persons were apprehended along with a pulsar motorcycle bearing Registration No. BR 06BX 3942 and two persons fled away leaving pulsar motorcycle bearing Registration No. BR 06 BY 4398. The apprehended miscreants disclosed their name as Kamlesh Kumar and Abhishek Kumar @ Pragati (petitioner) and name of the fleeing accomplices as Bipin Kumar, Manoj Kumar, Dipak Sahni and Happi Sahni. Accordingly seizure list was prepared in presence of two independent witnesses.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has not committed any offence as alleged in the F.I.R. Nothing incriminating was recovered at the spot rather seizure list was prepared in the police custody. Petitioner is in custody since 01.07.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that the petitioner is habitual offender and prior to this case he has been made accused in Ahiyapur P.S. Case No. 307 of 2020, as such the prayer for bail of the petitioner be rejected.

Considering the aforementioned facts and circumstances of the case, the petitioner has remained in jail in



connection with the present case since 01.07.2020 in which chargesheet has already been submitted, there is no allegation of tampering with the evidence or influencing the witnesses, taking into consideration the nature of allegation and the court below is directed to verify the criminal antecedent of the petitioner and if it is found that no other case is pending against the petitioner as stated in Para-3 of the present bail application, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Muzaffarpur in connection with Ahiyapur P.S. Case No. 564 of 2020, subject to the following conditions:-

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

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

(3) If the petitioner tampers 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(Purnendu Singh, J)

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