

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53818 of 2021

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

Abhishek Kumar S/o Shri Abhinash Prasad @ Abhinash Rai R/o village-
Gandhi Chowk, P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-02-2022 Heard learned senior counsel for the petitioner and

Shri Choubey Jawahar, learned A.P.P. for the State through

virtual court proceedings.

The petitioner seeks bail in connection with
Kankarbagh P.S. Case No. 515 of 2020 instituted for the
offences under Sections 399, 400, 401, 402, 412, 414 and
120(B) of the Indian Penal Code read with Sections 25(1-b)a, 26
and 35 of the Arms Act and Sections 20 and 22 of the N.D.P.S.
Act.

Learned senior counsel for the petitioner submits that
the petitioner is in custody since 22.07.2020 and charge-sheet
has been submitted in the case.

Learned senior counsel for the petitioner submits that
allegation is of recovery of 10 kg ganja along with one loaded



pistol having seven live cartridges, gold chain and mobile from the possession of the petitioner.

Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, till date the charges have not been framed and co-accused Amitesh Kumar @ Amitesh Raushan has been granted bail vide order dated 23.12.2020 in Cr. Misc. No. 36299 of 2020, Jimmi Kumar @ Jimmy Kumar vide order dated 19.08.2021 in Cr. Misc. No. 22642 of 2021 and similarly situated co-accused Vikash Kumar has also been granted bail vide order dated 24.01.2022 in Cr. Misc. No. 42747 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the case of this petitioner gets differentiated from the case of the other co-accused as the petitioner has antecedent of fourteen cases and in the event, if bail is granted to the petitioner, the petitioner will delay the trial as he is a veteran criminal.

Considering the fact that the petitioner is in custody since 22.07.2020, charge-sheet has been submitted in the case and co-accused have been granted bail, let the petitioner above named be released 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 learned Chief Judicial Magistrate-cum-Special Judge, N.D.P.S., Patna in connection with Kankarbagh P.S. Case No. 515 of 2020 with a condition that one of the bailor shall be the father of the petitioner (Abhinash Prasad @ Abhinash Rai) and the petitioner shall be released after framing of charges and in the event, if the learned court below finds that the trial is being delayed on account of conduct of the petitioner, the court below will forthwith cancel his bail bonds.

(Satyavrat Verma, J)

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