

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42266 of 2022

Arising Out of PS. Case No.-955 Year-2021 Thana- NAGAR District- Vaishali

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DHANANJAY KUMAR @ VICKY KUMAR Son of Ramajinis Ram
Resident of Village - Shrirampur, P.s.- Hajirpur sadar , Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra,Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma,APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Hajipur Town P.S. Case No. 955 of 2021, registered for the offences punishable under Sections 399/402 of the Indian Penal Code and Sections 25(1-b)/A/26/35 of the Arms Act.

The case of the prosecution according to the informant is that on 13.11.2021, he got an information that some miscreants have assembled at the alleged place of occurrence and are planning to execute some criminal act, whereupon the informant along with his police force had reached near the Gandak river dam and found 7-8 persons sitting there, however, upon



seeing the police, they had tried to flee away, but some of the accused persons including the petitioner herein were apprehended. As far as the petitioner is concerned, one country made loaded pistol along with two live cartridges are alleged to have been recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 02.12.2021. The learned counsel for the petitioner has further submitted that the petitioner is an accused in two other cases. The learned counsel for the petitioner has also submitted that considering the period of incarceration, a sympathetic view be taken for the purposes of grant of bail to the petitioner. Lastly, it is submitted that similarly situated co-accused persons have already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 22.08.2021, passed in Criminal Miscellaneous No.19205 of 2022, Criminal Miscellaneous No.28604 of 2022 and Criminal



Miscellaneous No. 31439 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is languishing in custody since 02.12.2021, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hjiipur in connection with Hajipur Town P.S. Case No.955 of 2021.

(Mohit Kumar Shah, J)

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