

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45166 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

ABHISHEK SINGH @ LUCKY SINGH Son of Late Dasarath Singh
Resident of Village - Jagdishpur, Police Station - Jagdishpur, District -
Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Choubey

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-02-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Buxar(Muffasil) P.S. Case No. 105 of 2022 registered for the
offences punishable under Sections 399,402,414 of the Indian
Penal Code and 25(1-a), 26, 35 of the Arms Act.

As per prosecution case, four persons were
apprehended from the place of occurrence and it is alleged that
four country made pistol, eighteen live cartridges, one pistol
magazine of 7.65 m.m. were recovered from apprehended co-
accused. It is further alleged that some mobile phones and



motorcycles were also recovered from possession of apprehended co-accused and they did not give satisfactory answer regarding arms, mobile phones and motorcycles.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the case upon the confessional statement of co-accused Pramod Ram and others. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 15.03.2022 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that co-accused Mahtab Alam, Mannu Yadav and Abhishek Yadav have already been granted bail vide Cr. Misc. No. 34458 of 2022, Cr. Misc No. 44040 of 2022 and Cr. Misc. No. 48675 of 2022 respectively by a co-ordinate Bench of this Court and the case of present petitioner stands on better footing keeping in view that petitioner was not apprehended on spot and nothing has been recovered from his possession.



The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot and nothing has been recovered from the possession of the petitioner, co-accused have already been granted bail by a co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar(Muffasil) P.S. Case No.105 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

vashudha/-

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