

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52198 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- RAMGARHWA District- East Champaran

DIPENDRA KUMAR @ DIPENDRA KUSHWAHA S/o Uma Shankar
Prasad Resident of Village- Shitalpur (Kanna), P.s.- Raxaul, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 14-02-2023 Let the defects, if any, pointed out by the office be removed within two weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Ramgarhwa P.S. Case No. 36 of 2022 registered for the offences punishable under Sections 399, 414, 401 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20(b)(ii)(c), 22 and 23 of the NDPS Act.

As per the prosecution, the police personnel acting upon a secret information raided the alleged place and



apprehended this petitioner along with co-accused persons. It is further alleged that upon making search on the apprehended persons, from the possession of this petitioner a knife was recovered.

The main submissions advanced by the learned counsel Mr. Madhurendra Kumar for the petitioner are that as per the prosecution's story, this petitioner and three other co-accused persons were apprehended at the spot but from the possession of the petitioner simply a knife was allegedly recovered and from the possession of co-accused Vishwajit Kumar one country-made pistol, cartridge and a motorcycle were recovered who was granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.38499 of 2022 and the petitioner's case stands on better footing from him and he has fair and clean antecedent and has been languishing in jail since 01.02.2022 and the petitioner's trial has not started till now.

Learned APP Mr. Umanath Mishra appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the privilege of bail having been granted to the co-accused Vishwajit Kumar by a co-ordinate Bench of this Court vide



order passed in above-mentioned Cr. Misc. case and the petitioner's case is on better footing from the said co-accused, and also considering the nature of allegation appearing against him and his young age mentioned in his petition as well as his clean antecedent and his custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Ramgarhwa P.S. Case No. 36 of 2022.

(Shailendra Singh, J)

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