

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52632 of 2022

Arising Out of PS. Case No.-873 Year-2021 Thana- NAGAR District- Vaishali

Akash Kumar @ Akash, S/O Naresh Paswan @ Naresh Bhagat, R/O Village-
Hathsarganj, Naka No.-3, P.S.- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 10-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Hajipur Town P.S. Case No.873 of 2021 registered for the offence punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b) A, 26 and 35 of the Arms Act, 1959.

The police have conducted a raid on receiving information that 8-10 criminals have assembled for nefarious purpose. Four persons were apprehended while others managed to flee. Petitioner is one of the apprehended persons. There is alleged recovery of one country-made loaded pistol and a live cartridge. Petitioner is thus in jail since 02.11.2021.

Learned counsel for the petitioner submits that no recovery has been made from the petitioner. It is a case of false implication. Petitioner has one antecedents and two co-accused Rahul Kumar Singh and Om Singh @ Rishi Raj have been allowed bail in Cr.Misc. No.2554 of 2022 and Cr.Misc. No.2841 of 2022, respectively. Investigation is complete.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, claim based on parity, investigation being complete and period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, 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 learned C.J.M., Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No.873 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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