

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51211 of 2016

Arising Out of PS.Case No. -523 Year- 2016 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Vicky Kumar @ Bicky Kumar, Son of Sarkar Rajak, Resident of Village-
Mahamadpur, P.S.- Tajpur, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate

For the Opposite Party : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-12-2016 Heard the learned counsel for the petitioner and the
learned APP for the State.

Petitioner is languishing in judicial custody since
03.08.2016 in connection with Hajipur Town P.S.Case No.523 of
2016 for offence alleged under Sections 399 and 402 of the Indian
Penal Code and Sections 25(1-b)a, 26(ii) and 35 of the Arms Act.

The prosecution case is that on a secret information, the
police seized a Tavera vehicle in the shape of ambulance and
found various persons sleeping or sitting in a suspicious condition.
One of them was the petitioner and on search from his pocket, one
pistol and one live cartridge has been seized and accordingly, the
seizure list has prepared.

It has been submitted by the learned counsel for the



petitioner that although the occurrence took place on the road, but the seizure list bears the P.S. case number, hence, makes the entire prosecution case doubtful. He further submits that there is interpolation in the name of the petitioner who is alleged to have received the seizure list which also makes the prosecution case doubtful. He further submits that chargesheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that petitioner is named in the FIR, hence, opposes the prayer for bail.

From perusal of materials on record, it appears that chargesheet has already been submitted and the petitioner's release from custody would not adversely affect his trial. Thus, in the interest of justice and considering the period of custody, let the above named 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 learned CJM, Vaishali at Hajipur in connection with Hajipur Town P.S.Case No.523 of 2016.

It is further made clear that this direction for bail is further subject to the condition that the petitioner will not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application stands allowed.

(Nilu Agrawal, J)

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