

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41412 of 2018

Arising Out of PS. Case No.-147 Year-2017 Thana- RAJAPAKAR District- Vaishali

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Vikram Kumar @ Putti @ Dev, Son of Rajendra Rai, Resident of Village-
Umesh Cinema Road, P.S.- Town Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
01.11.2017 in connection with Rajapakar P.S. Case No. 147 of
2017 registered for the offence punishable under Sections 399,
402 and 414 of the Indian Penal Code and Sections 25(1-B)A,
26(ii) and 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that during course of patrolling and on secret
information that some criminals have assembled to commit
crime, the police raided the place and apprehended seven
persons, including the petitioner. Some persons managed to flee
away, who were later on named by the petitioner and the other
apprehended co-accused. On search, from the possession of the



other co-accused, arms, ammunitions and mobiles were recovered and from the possession of the petitioner, one foreign made pistol along with four live cartridges were recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt act has been committed and charge-sheet has already been submitted. It is further submitted that some of the co-accused from whose possession country made pistol and cartridge were recovered, have been granted the privilege of bail by coordinate Benches of this Court, one of them being Cr. Misc. No. 22700 of 2018 vide order dated 28.06.2018. He submits that there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two more cases are pending against him.

Considering the facts and circumstances and the materials on record as well as the period of custody and that other co-accused on similar allegations, have been granted the privilege of bail, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 147 of 2017, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will cooperate in investigation and will appear before the Police/ Court as and when required and failure to appear will entail cancellation of his bail bonds.

(3) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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