

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38964 of 2018

Arising Out of PS.Case No. -268 Year- 2018 Thana -AHIAPUR District- MUZAFFARPUR

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Vikash Kumar S/o Kavindra Jha @ Kavindra Rai, R/o Vill.- Rajepur
Sunaul, P.S.- Rajepur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Ahiyapur P.S.
Case No. 268 of 2018 for offences punishable under Sections
399, 401, 402, 412, 414 of the Indian Penal Code and Sections
25 (1-b) a/26/35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that a Pickup Van was
moving in a suspicious condition, a raid was conducted and the
driver of the Pickup Van, Naimuddin Ansari was arrested who
disclosed the said Pickup Van belongs to one Sumit Kumar and it
contains stolen solar system and rest solar system were kept in the
house of one Bipin Kumar. On raid of the house of Bipin Kumar,



petitioner and accused Bipin Kumar were apprehended. From the possession of co-accused Sumit Kumar one country made pistol and two live cartridges were recovered and from the possession of the petitioner, one country made pistol loaded with one live cartridge 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 charge-sheet has already been submitted and another co-accused Sumit Kumar has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 35182 of 2018 vide order dated 20.06.2018 and the petitioner is languishing in judicial custody since 15.03.2018.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has one more criminal antecedent relating to the similar offence although he has been remanded in that case after the institution of the present case.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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



Chief Judicial Magistrate, Muzaffarpur in connection with
Ahiyapur P.S. Case No. 268 of 2018, subject to the conditions
that:

- (1) One of the bailors would be a close relative of the
petitioner having sufficient immovable property, who will
file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below
during trial as and when required and failure to appear on
two consecutive dates without assigning any reason will
entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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