

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9154 of 2019

Arising Out of PS. Case No.-95 Year-2018 Thana- BITHAN BAZAR District- Samastipur

Vikash Kumar, aged about 23 years (Male), Son of Vijay Kumar Rai
Resident of Village - Katausi PS – Bithan, District, Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 05-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Bithan P.S. Case No. **95/2018**
registered for the offence punishable under Sections 25(1-B)A,
26 and 35 of the Arms Act.

Allegation against the petitioner is recovery of one
loaded pistol from his possession.

It has been submitted on behalf of the petitioner that he
is innocent and has been falsely implicated in this case.
Petitioner has got no criminal antecedent and is in custody since
05.11.2018.

Considering the facts and circumstances of the case
and nature of allegation, I am not inclined to enlarge the
petitioner on bail at this stage. Hence, the prayer for bail of the
petitioner is hereby rejected.



However, it is observed that the petitioner named above be released on bail **after six months in custody** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera at Samastipur in connection with Bithan P.S. Case No. **95/2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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