

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20934 of 2019

Arising Out of PS. Case No.-682 Year-2018 Thana- FATUA District- Patna

VIVEK KUMAR Son of Ramanand Yadav Resident of Village- Pravin Chak,
P.S.- Fatuhan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Mukund

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
08.11.2018 in connection with Fatuhan P.S. Case No. 682 of
2018 for offences punishable under Sections 25(1-b) a/26 of the
Arms Act.

The prosecution case, as lodged by the police
personnel, is that on information that two groups are fighting,
the police reached the place and apprehended the petitioner. On
search, from his possession one country-made pistol with one
loaded live cartridge was 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 alleged to have been committed by the petitioner, charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses and petitioner is languishing in judicial custody for nearly five months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case is pending against him.

Considering the nature of allegations and the period of custody as well as the fact that charge-sheet has already been submitted, 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 Addl. Chief Judicial Magistrate-V, Patna City, in connection with Fatuhan P.S. Case No. 682 of 2018, subject to the following conditions :

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. If the petitioner indulges in an offence of similar nature in future, 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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