

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75058 of 2019

Arising Out of PS. Case No.-679 Year-2019 Thana- SAHARSA District- Saharsa

BIKASH KUMAR @ BIKAS KUMAR @ VIKAS KUMAR S/o Shambhu
Sharma R/o Mohalla- Jhapra Tola Saharsa, P.S. and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 25-11-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 399, 401, 414 of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

Informant who is police officer in his written report has alleged that on 27.07.2019 at about 9:15 pm, he received information that some criminals have assembled in order to commit some grave crime upon which he along with other police personnel, reached the place and saw three motorcycle parked near the railway line and 7 to 8 miscreants on seeing the police party started fleeing away and 7 miscreants were apprehended after chase, however, one managed to escape on motorcycle. Apprehended accused disclosed their names which included the petitioner also. On search from the possession of



Deepak Kumar one country made pistol and four live cartridges were recovered and from the possession of Roshan Kumar one country made pistol along with two live cartridges were recovered. The motorcycle belonged to Roshan Kumar and Vineet Kumar.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case as he is resident of the locality and was arrested on suspicion only. Nothing has been recovered from the possession of petitioner. Petitioner has got no criminal antecedent and is in custody since 28.07.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Saharsa Sadar P.S. Case No. 679 of 2019**, 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)

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