

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 22023 of 2020

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Bikram Kumar @ Vikram Kumar, S/o Anil Mahto @ Piyush Mahto, resident
of village-Beerpur, P.S.-Beerpur, Dist.-Begusarai.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

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Appearance :

For the Petitioner : Mr.Mritunjay Kumar Mishra, Advocate

For the Respondent State: Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-07-2020 Heard Mr. Mritunjay Kumar Mishra, learned counsel

appearing on behalf of the petitioner and Mr. Yogendra Kumar
Singh, learned Additional Public Prosecutor, for the State of
Bihar.

This application for grant of regular bail arises out of
Beerpur P.S. Case No. 76 of 2019 registered for the offence
punishable under Section 25(1-b)a/26/35 of the Arms Act.

It is alleged in the First Information Report that a
person was kidnapped and subsequently killed. Immediately
after killing of the deceased, the petitioner was apprehended,
from whose possession, the police recovered one loaded country
made pistol and three used cartridges. The police also noticed
blood stains on the petitioner's clothes which he was wearing. It



further transpires from the First Information Report that on the basis of disclosure made by the petitioner and his accomplices, certain other incriminating materials were recovered by the police. In respect of the allegation of murder, a separate criminal case has been instituted as Beerpur P.S. Case No. 77 of 2019.

Learned counsel appearing on behalf of the petitioner has drawn my attention to an order of this Court dated 21.01.2020 passed in Cr. Misc. No. 87078 of 2019, whereby co-accused Raj Kumar has been allowed regular bail by this Court. He has submitted that the petitioner's case is on similar footing and since he is in custody since 30.05.2019, he deserves to be released on bail at this stage.

In my view, petitioner's case cannot be said to be identical with that of co-accused Raj Kumar, who has been allowed regular bail by this Court. Further, on the basis of what has been alleged in the First Information Report, commission of offence under Section 27 of the Arms Act is made out, for which the minimum sentence prescribed is three years.

Be that as it may, considering the allegation that the petitioner used the firearm, leading to death of the deceased, I am not inclined to allow the petitioner privilege of regular bail, at this stage. The petitioner shall, however, be at liberty to renew his prayer for bail before the Court below after six months, if



the trial in the meanwhile does not proceed.

This application is accordingly rejected with the aforesaid observation.

There are some defects pointed out by the stamp reporter. Learned counsel for the petitioner has undertaken to remove all such defects within two months from today. Let the same be done.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the



present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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