

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82408 of 2019**

Arising Out of PS. Case No.-205 Year-2019 Thana- SARAI District- Vaishali

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VICKKI SINGH @ VICKKI KUMAR SINGH @ VIKKI KUMAR Son of
Shree Sanjeev Singh @ Sanjeev Kumar Resident of Village - Shital
Bhakurhar @ Sital Bhakurhar, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 20-05-2020 Heard Mr. Manish Chandra Gandhi, learned counsel
for the petitioner and Mr. Ashok Kumar, learned APP for the
State.

The proceeding has been conducted through video
conferencing.

The petitioner has preferred the present application
for grant of bail in a case registered for the offences punishable
under Sections 25(1-B)a, 26, 35 of the Arms Act, as he is



languishing in custody since 08.06.2019.

A supplementary affidavit, dated 15.05.2020, has been filed on behalf of the petitioner to the effect that the grand-mother of the petitioner has died on 05.05.2020, hence, the present application may be heard, on priority basis, as the the petitioner has to attend the last rites of his grand-mother. But, it is submitted by learned counsel for the petitioner that the *shradh* has been performed on 17.05.2020, hence, the present application now be heard on merits.

The prosecution case, as per the self statement of Dharmjeet Mahto, S.I.-cum-S.H.O., Sarai Police Station is to the effect that on 07.06.2019 at 10.00 P.M., a secret information was received that in the village Sisauni Prabodhi in the hutment of co-accused, Ajay Kumar @ Raja, the petitioner, being an accused of Sarai P.S. Case No. 265 of 2018, has taken shelter having arms with him. Consequently a raid was laid when on seeing the police one person tried to escape from the scene, but on chase by the police, he was apprehended and disclosed his name as Vickki Kumar Singh, the petitioner. On search, from his waist, one loaded country made pistol and one 3.15 bore live cartridge was recovered and consequently, the seizure was made.



It is submitted by learned counsel for the petitioner that in fact, no recovery has been made from the possession of the petitioner and the hutment belongs to co-accused, Ajay Kumar @ Raja, but maliciously, the petitioner has been roped in the present case. Moreover, the investigation has already been concluded and there is no likelihood of the trial being concluded in near future. Though a statement has been made in paragraph no.3 of the petition that the petitioner is accused in three other cases, but out of three cases, in two cases, being Sarai P.S. Case No. 102 of 2018 and Sarai P.S. Case No. 104 of 2019, he has been granted bail. But with regard to Sarai P.S. Case No. 265 of 2018, it is submitted that in the said case, the petitioner has been granted bail during pendency of the present application by a Co-ordinate Bench of this Court vide order dated 13.01.2020, passed in Criminal Miscellaneous No. 77081 of 2019.

Mr. Ashok Kumar, learned APP for the State however submits that the recovery has been made from the possession of the petitioner and he has criminal antecedent.

Considering the fact that the investigation has already been concluded and the petitioner has been granted bail in other cases, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing



one surety to the satisfaction of the learned ACJM-XIII, Vaishali at Hajipur, in connection with Sarai P.S. Case No. 205 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Adhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned ACJM-XIII, Vaishali at Hajipur, in connection with Sarai P.S. Case No. 205 of 2019.

Since the petitioner has criminal antecedent, the learned Court below will be at liberty to cancel the bail bonds of the petitioner, if the petitioner substantially gets involved in any serious nature of offence.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lockdown,



due to the present pandemic COVID-19, is not over in next
three months.

(Dinesh Kumar Singh, J)

Ashwini/-

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