

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14574 of 2021**

Arising Out of PS. Case No.-539 Year-2020 Thana- AGAMKUAN District- Patna

VICKY KUMAR Son of Sonelal Sah Resident of Mohalla- Simli Nawabganj,
District- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar, Advocate

For the Opposite Party/s : Mr.Ram Chandra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram Chandra Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case No. 121 of 2020 arising out of Agamkuan P.S. Case No. 539 of 2020 registered for the offences punishable under Sections 399, 400, 402, 414, 120(B) of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 8/20(b) II(A)(B) of Narcotics Drugs and Psychotropic Substances Act.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information that a group which



has committed dacoity has assembled near Sonalika Petrol Pump, the informant along with other police personnel reached there and arrested six persons including this petitioner and recovered ganja, firearm and cash from the four other co-accused.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery of any incriminating article from the possession of the petitioner. It is further submitted that the name of the petitioner has transpired as an accomplice when the police party arrested all the accused persons. The petitioner is in custody since 24.08.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having heard learned counsel for the petitioner and learned APP for the State and after having noticed the contents of the First Information Report which has been lodged by a police officer, this Court has noticed that so far as the present petitioner is concerned, there is neither any recovery of firearm or ammunition from his possession nor any narcotic drugs or psychotropic substance, his name has transpired as an



accomplice person when the police party arrested all the accused but save and except that there is no other material and even as his name has not transpired in the statement of the co-accused as an accomplice in the other alleged occurrence in which the petrol pump was looted, further considering that the petitioner has no criminal antecedent and has remained in jail in connection with the present case since 24.08.2020, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction learned Additional District and Sessions Judge-IV, Patna in connection with Special Case No. 121 of 2020, arising out of Agamkuan P.S. Case No. 539 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly



make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

