

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15145 of 2021

Arising Out of PS. Case No.-370 Year-2019 Thana- DIGHA District- Patna

VIKASH KUMAR MALI @ VIKASH MALI Son of Anil Prasad Mali @
Anil Kumar Resident of Village - Gaighat Daxhini Gali (South Lane), P.S.-
Alamganj, Distt.- Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 399/402 of the Indian Penal
Code and Section 25 (1-b)a/26/35 of the Arms Act.

Acting on a tip-off that 8-9 persons are assembled
near Kurji Bali to commit a crime, the informant along with the
police force rushed to that place and after seeing the police party
they tried to escape but any how three persons including the
petitioner were apprehended and on search from the possession
of the petitioner one country made pistol and three cartridges is



said to have been recovered.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession rather the alleged recovery has been illegally shown by the police. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. . Co-accused, namely, Shipu Kumar has been enlarged on bail by a co-ordinate Bench of this court vide order dated 28.02.2020 passed in Cr. Misc. No. 12281 of 2020. The petitioner has been languishing in custody since 02.07.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Digha P.S. Case No.370 of 2019, subject to the following conditions :

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(5) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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