

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14547 of 2021**

Arising Out of PS. Case No.-137 Year-2020 Thana- DHARHARA District- Munger

VIKKI KUMAR S/o Rajkumar @ Nanku @ Pappu Prasad R/o Mohalla-
Bijali Office Garaipar, Patna City, P.S.- Khanjakala, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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

3 30-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Dharhara (Hemjapur O.P.) P.S. Case No. 137 of 2020 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26(i) and 35 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story the informant who is a police officer got secret information about presence of some criminals near



Sunderpur More. The informant along with his team reached at the said place and found some persons in suspicious condition near a white car. On seeing the police these persons tried to flee away but four of them were apprehended including this petitioner and on search one loaded country-made pistol with three live cartridges and cash Rs. 10,000 have been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that there is no independent witness to the seizure of loaded country-made pistol with three live cartridges. Learned counsel submits that the petitioner is in custody for about ten months.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the police has falsely implicated the petitioner in the present case, the seizure of loaded country-made pistol with three live cartridges from possession of the petitioner has not been witnessed by any independent witness and it is difficult to believe that at 7.30 pm on the National Highway no independent



witness would be available to the police, further submission that in connection with the present case the petitioner has remained in custody for about ten months, investigation against him is complete but the trial is not likely to be concluded in near future, there being no statement on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Shri Vishwajeet Kumar, learned Judicial Magistrate 1st Class, Munger in connection with Dharhara (Hemjapur) P.S. Case No. 137 of 2020 subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

This application stands disposed of accordingly.

(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'.

