

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19418 of 2021**

Arising Out of PS. Case No.-375 Year-2020 Thana- PATORI District- Samastipur

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VIKASH KUMAR SON OF RAM BABU SINGH Resident of Village -
Bahuara, P.S.- Rajapakar, Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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

2 20-07-2021 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 Patori (Mohanpur O.P.) P.S. Case No. 375 of

2020 registered for the offences punishable under Section 412 of

the Indian Penal Code and Sections 25(1-b)a, 27 and 35 of the

Arms Act.

As per the prosecution story, on 18.10.2020 the

informant was conducting raid and when he reached Jalalpur he

saw some persons unloading cow from a pickup van. On seeing



the police van one of the co-accused tried to escape but was apprehended along with this petitioner who was sitting in the car. On search a blue colour Redmi mobile has been recovered from the possession of this 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 except a blue colour Redmi mobile phone nothing incriminating has been recovered from the possession of this petitioner. Learned counsel submits that the petitioner is in custody since 18.10.2020.

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

Considering the facts and circumstances of the case in which it has been submitted by learned counsel for the petitioner that from possession of this petitioner only a blue colour Redmi mobile is said to have been recovered and in this regard reliance has been placed on the seizure list, the petitioner had no criminal antecedent prior to the present case, he has been remanded in one case stated in paragraph '3' in which he is on bail, the petitioner is in custody in connection with this case since 18.10.2020, investigation against him is complete but the trial is not likely to take place in near future, 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 learned Additional Chief Judicial Magistrate-II, Samastipur in connection with Patori (Mohanpur O.P.) P.S. Case No. 375 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'.

