

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39498 of 2020

Arising Out of PS. Case No.-279 Year-2020 Thana- KADAMKUAN District- Patna

VIVEK KUMAR @ VICKY Son of Late Raju Prasad Resident of Purani
Kankarbagh, P.S.- Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-02-2021 Heard the learned counsel for the petitioner and Sri
Ashok Kumar, the learned APP for the State.

The petitioners seek regular bail in connection with Kadamkuan PS case no. 279 of 2020 instituted for the offences punishable under Sections 25(1-B)A, 26, 27, 35 of Arms Act.

The case of the prosecution, in brief, is that a live video was being exhibited on the face book, wherein the accused persons were seen resorting to firing on the roof of the house of one Ankit Kr. Sinha, whereafter the police is stated to have raided the said place of occurrence and from one room, two countrymade pistols and some cartridges were recovered while from the other room, one countrymade arm and one pistol were recovered, apart from recovery of cartridges and empty



khokhas. It is further alleged that in all, 15 persons were arrested from the said two rooms and the petitioner is also stated to have been arrested from the place of occurrence.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 03.07.2020. The learned counsel for the petitioner has further submitted that the petitioner had gone to the alleged place of occurrence upon being invited for a birthday party, nonetheless the police has not recovered any arms or cartridges from the conscious possession of the petitioner herein.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, apart from the fact that no illicit arms have been recovered from the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the abovenamed petitioner is directed to



be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-cum-Additional Chief Judicial Magistrate-XII, Patna in connection with Kadamkuan PS case no. 279 of 2020.

(Mohit Kumar Shah, J)

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