

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.731 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- JADIA District- Supaul

Vikash Kumar@Vivek Kumar son of Birendra Mehta Resident of Village-
Jadiya Ward No. 13, P.S.- Jadiya, District- Supaul Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-03-2021 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Jadiya P.S. Case no. 95 of 2020 registered under section 412 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

As per allegation in the FIR, it is stated that a motorcycle, a mobile phone and Rs. 2900/- were recovered from the possession of the petitioner and on demand the petitioner could not produce any documents for the motorcycle. It is further stated that the statement of the petitioner was recorded and on the basis of the said statement a country made pistol and magazine with two live cartridges were recovered from the bushes near the house of co-accused Krishna Kumar Mehta.

It is submitted by learned counsel for the petitioner that from the FIR itself it would be evident that no arms or



ammunition has been recovered from the possession of the petitioner. It is further submitted that contrary to the allegations levelled in the FIR, the motorcycle in question belongs to the petitioner and the petitioner has brought on record the documents of the said vehicle as Annexure 2 series to the petition. The petitioner is in custody since 8.6.2020 i.e. for more than 9 months and has no criminal antecedent.

Learned APP for the State has opposed the prayer for bail.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the petitioner being in custody since 8.6.2020 and having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Jadiya P.S. Case no. 95 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate V, Supaul.

(Partha Sarthy, J)

Prakash/-

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