

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4618 of 2021

Arising Out of PS. Case No.-1120 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

VICKY KUMAR Son of Nageshwar Sahani Resident of Village - Rasulpur,
Salim, P.S.- Ahiyapur, District - Muzaffarpur, Bihar - 842004

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Jha, Advocate.

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

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 connection with Ahiyapur P.S. Case No. 1120 of 2019 registered for the offence punishable under Sections 400, 401, 402, 414, 34 of the Indian Penal Code and 25 (1-b) A/26/35 of the Arms Act.

As per the prosecution case which is based on the self recorded statement of S.I. Vikash Kumar Ray recorded on 14.09.2019, on suspicion three persons were apprehended by the



police standing on the road below near the dadar bridge. On search one country made pistol with cartridge was recovered from the possession of co-accused Niraj Kumar Jha alias Nawab Niraj and a folded knife was recovered from the possession of co-accused Guddu Kumar and further motorcycle has been recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession.

Learned counsel for the petitioner further submits that since the petitioner remained in jail for about year, he filed another bail application before the learned Sessions Judge, Muzaffarpur which was rejected by 7th Addl. Sessions Judge, Muzaffarpur vide order dated 16.06.2020 in B.P. No. 819 of 2020 on the ground that the charge could not be framed. The liberty has given to the petitioner to renew his prayer for bail after framing of the charge. He submits that till date petitioner has not been put on Test Identification parade and no charge is



framed against the petitioner because petitioner is not produced before the concerned Court due to pandemic. It is also submitted that the two co-accused persons namely Niraj Kumar Jha @ Nawab Niraj and Guddu Kumar have been granted bail by Co-ordinate benches of this Court vide orders dated 27.02.2020 in Cr. Misc. No. 2575 of 2020 and 21.01.2020 in Cr. Misc. No. 87140 of 2019 respectively. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 15.09.2019.

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 Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1120 of 2019.

(Anjani Kumar Sharan, J)

GAURAV S./-

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