

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6197 of 2021**

Arising Out of PS. Case No.-290 Year-2019 Thana- BAKHTIYARPUR District- Patna

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VICKY KUMAR @ VICKI KUMAR SON OF SAMARNATH PRASAD
RESIDENT OF VILLAGE-NEW BYPASS RAGHOPUR, P.S-
BAKHTIYARPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Kumari Sujata Sinha, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-08-2021 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 Bakhtiyarpur P.S. Case No.290/2019 registered

for the offences punishable under Sections 395 and 397 of the

Indian Penal Code and Section 27 of the Arms Act. He is in

custody since 25.09.2019.

As per the prosecution story when the informant was

returning from Bakhtiyapur market after collecting a sum of

Rs.32,500/-, near Bakhtiyapur Railway road bridge three boys

riding on a Apache Motorcycle intercepted the vehicle of the informant. One of the three boys came near the vehicle with pistol in his hand, he gave a firing and thereafter one of them broke open the glass of the vehicle and fired on the driver of the vehicle causing serious injury to him. Thereafter they pulled down the driver and the informant from the vehicle and looted away the vehicle with one black colour bag towards the southern side.

Learned counsel for the petitioner submits that the petitioner was arrested by police on NH-31 four lane and from his possession one pistol and four live cartridges were recovered for which a case being Salimpur P.S. Case No.182/2019 under Sections 307, 353, 412, 141, 147, 148 and 149 of the Indian Penal Code and Section 25(1-b)a/26/27/35 of the Arms Act has been registered. In the said case, the petitioner has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.31232/2020.

Learned counsel further submits that the petitioner has been brought in this case after seeking his remand, since 25.09.2019. It is her submission that nothing has been recovered from the house of the petitioner. The informant alleges that his car with a black colour bag was looted away but neither the said

car nor the black colour bag has been recovered from the possession of the petitioner. He has not been identified as no T.I.P. has been held till date.

Learned counsel further submits that till date the trial has not commenced and it is not likely to be concluded in near future.

Mr. Ram Sumiran Rai, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner. It is submitted that this petitioner has got two criminal antecedents.

Learned counsel for the petitioner at this stage informs this Court that the petitioner is on bail in the second case also.

Considering the facts and circumstances of the case wherein this petitioner has not been identified and no incriminating article is said to have been recovered from the possession of the petitioner, he has remained in custody in connection with this case for about two years but the trial is not likely to be concluded in near future, this Court directs that the petitioner above named be released on bail on furnishing 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 Sessions Judge-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No.290/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that in case the petitioner is found involved in committing any other and further crime, it will be open for the S.H.O. of Bakhtiyarpur police station to file an appropriate application in the learned trial court for cancellation of the bail of the petitioner.

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'.