

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7055 of 2021**

Arising Out of PS. Case No.-70 Year-2020 Thana- PIRBAHOR District- Patna

VIKASH KUMAR @ BILLA Son Of Surendra Prasad Resident Of Mohalla -
Gandhi Chowk Surhi Tola, P. S. - Pirbahore, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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

2 17-04-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Sangeeta Sharma, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Pirbahore P.S. Case No. 70 of 2020 registered for the offences punishable under Sections 25(1-b)a/26 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant Arun Kumar Yadav, A.S.I. went to raid in Kankarbagh P.S. Case No. 79 of 2020, a person was apprehended near N.I.T., Golakpur, who disclosed his name as Vikash Kumar @ Billa (petitioner). Upon his search, one



country-made pistol, a live cartridge and a mobile phone were recovered from his waist.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner is in jail since 05.02.2020.

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

Having regard to the facts and circumstances of the case wherein, it is alleged that from the possession of the petitioner one country-made pistol and a live cartridge was recovered, the petitioner has remained in jail in connection with this case since 05.02.2020, investigation against him is complete and at this stage it is not the submission of the State that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Pirbahore P.S. Case No. 70 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

