

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7159 of 2021**

Arising Out of PS. Case No.-240 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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VIKRAM KUMAR @ VIKRAM MISHRA SON OF YUGAL KISHOR
MISHRA RESIDENT OF VILLAGE- JAFARPUR DAKSHIN TOLA, P.S.-
BELSAND, DISTRICT- SITAMARHI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms.Bela Singh,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

2 28-04-2021 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 Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Muzaffarpur Sadar P.S. Case No. 240 of
2020 registered for the offences punishable under Sections 25(1-
b)a, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story, the S.H.O. of Sadar Police Station while
on patrolling duty got a secret information that a dreaded
criminal Vikash Mishra is coming at the house of his sister
situated at Kharauna village. Thereafter police party reached at
the given place and apprehended two persons with arms
including this petitioner and recovered one loaded country-made
pistol from the possession of this petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is submitted that investigation against the petitioner is complete. The petitioner is in custody in connection with the present case since 07.05.2020 having no criminal antecedent.

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 the allegation being that from the possession of the petitioner a loaded katta was recovered, the petitioner has remained in jail since 07.05.2020, he has otherwise no criminal antecedent, investigation against him is complete, let the petitioner above named be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Sri Shambhu Kumar Gupta, Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Muzaffarpur Sadar P.S. Case No. 240 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'.

