

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7148 of 2021**

Arising Out of PS. Case No.-275 Year-2020 Thana- SIMRI District- Buxar

VIKAS KUNWAR @ VIKAS KUMAR Son of YAMRAJ KUNWAR
Resident of Village -Dumri, P.S. - Simri, District - Buxar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajit Kumar,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

**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.

As prayed by learned counsel for the petitioner, permission is granted to make corrections with regard to the case number in paragraph '1' and further correction is allowed in the prayer portion with regard to the prayer for regular bail instead of anticipatory bail.

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 Simri P.S. Case No. 275 of 2020 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act and Section 37(C) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the S.I. of Simri Police Station while on patrolling duty got a secret information that some criminals



have assembled at the house of Yamraj Kunwar and they are conspiring to commit some crime. On this information the police party reached at the said place. On seeing the police party some persons started fleeing away but police apprehended two persons Vikas Kumar (this petitioner) and Jai Prakash. On search a country-made pistol and two live cartridges were recovered. On medical examination of Vikas Kumar and Jai Prakash they were found in inebriated conditions.

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 03.09.2020 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 allegedly one country-made pistol and two live cartridges were recovered from the house of the petitioner, the petitioner has got no criminal antecedent, in connection with the present case he has remained in jail since 03.09.2020, investigation against him is complete and further incarceration of the petitioner is not likely to come in aid of the investigation or the prosecution, 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 learned Additional Sessions Judge-II-Cum Special Judge, Buxar, in connection with Simri P.S. Case No. 275 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)

SUSHMA2/-

U		T	
---	--	---	--

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'.

