

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68184 of 2021

Arising Out of PS. Case No.-361 Year-2021 Thana- MUFFASIL District- West Champaran

BRIJESH KUMAR @ VIKAS KUMAR Son of Nakchhed Sah Resident of
Village - Bharwa, P.S. Manuwapool, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Adv.

Mr. Arpit Anand, Adv.

Mr. Aalekhanand, Adv.

Mr. Sourav Suman, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

The present application has been taken up out of its turn on the ground of severe ailments i.e. Cancer of wife of the petitioner, who is stated to be sole bread earner of his family. A mention slip in this regard annexing the medical prescription has been filed on behalf of the petitioner, which is kept on record at Flag-'Z'.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Bettiah Muffasil P.S. Case No. 361 of 2021 registered for the



offence under Sections 399, 402, 412, 413 and 414 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one country made pistol along live cartridges, cash and one mobile phone from the possession of the petitioner and others.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, nothing incriminating, as alleged in the instant F.I.R., has been recovered from the conscious possession of the petitioner. From bare perusal of the seizure list, it is apparent that only Rs. 5000/- has been recovered from the house of the petitioner. So far as recovery of country-made pistol along with cartridges is concerned, the seizure list itself depicts that the same have been recovered from the possession of co-accused, Dashrath Kumar Soni and Bittu Kumar. Therefore, no case attracting the provisions of Arms Act is made out against the petitioner. The petitioner is rotting in judicial custody since 06.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one as is



evident from paragraph-3 of the application.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah in connection with Bettiah Muffasil P.S. Case No. 361 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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