

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5597 of 2022

Arising Out of PS. Case No.-113 Year-2020 Thana- SHASTRINAGAR District- Patna

Vipul Sharma @ Bipin Kumar S/o Sri Nawal Kishor Sharma @ Nawal Kishor Thakur Resident of Village- Haripur Krishna, P.S.- Sakua, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Madan Kumar, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-06-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Shastri Nagar P.S. Case No. 113 of 2020 instituted for the offences under Sections 399 and 402 of the Indian Penal Code and 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 24.02.2020, charge-sheet has been submitted in the case and has antecedent of 20 cases.

Learned counsel for the petitioner submits that on 22.02.2020, after getting a secret information about unsocial elements gather at near Jagdeo Path and planning to commit serious offence, informant with some police personnel went at



the spot and after seeing the police all five accused persons including petitioner tries to flee away but they were caught by the informant and other police personnel. It is further alleged that during the course of investigation, one pistol with three live cartridges were recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that based on such recovery, he has been implicated in this case, there is no allegation that any *dacoity* has been committed and his implication is based on his criminal antecedents in 20 cases, as per the statement made in paragraph 3 of the bail application. It is further submitted that other co-accused namely, Mithilesh Kumar has already been granted bail by a Co-ordinate Bench of this Court vide order dated 14.12.2021 passed in Cr. Misc. No. 38146 of 2021

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 24.02.2020, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna in connection with Shastri Nagar P.S. Case



No. 113 of 2020, subject to 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 cancelled 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.

(Khatim Reza, J)

Gaurav Kumar/-

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

