

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5513 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- BARBIGHA District- Sheikhpura

Vikky Kumar, Son Of Sachchidanand Prasad, Resident of Village -
Bhawchak, P.S.- Barbigha, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Barbigha P.S. Case No. 304 of 2021 registered
for the alleged offences under Sections 25(1-b)a and 26 of the
Arms Act.

As per prosecution case, police reached the house of
the petitioner in order to arrest him in some other case. From the
room of this petitioner, a country made rifle, an air gun, a
country made *katta*, a number of ammunitions of various
categories and mobile phones were recovered.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The recovery shown by the police has been made from a joint house and the portion from which recovery has been made has been given in partition to the uncles of the petitioner. The name of the petitioner came up before the police on confessional statement of one Prince Kumar in Barbigha P.S. Case No. 240 of 2021 which was registered against unknown and the police searched the old house of the petitioner and recovered the articles as alleged. The partition in the family had taken place on 08.04.2021 whereas the date of occurrence is stated to be on 24.09.2021. The petitioner is in custody since 25.09.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura



in connection with Barbigha P.S. Case No. 304 of 2021 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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