

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6259 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- PATLIPUTRA District- Patna

Vikki Kumar @ Praveen Kumar Son of Arun Thakur Resident of Village -
Danhara Brahman Tola, P.S.- Runnisaipur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Patliputra
P.S. Case No. 179 of 2021 registered for the offence under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.03.2021.

The allegation against the petitioner is to have in
possession of cash of Rs.5,25,000/- (Rupees Five Lakh Twenty
Five Thousand) and also a fire arm, which were recovered from
the room of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of fire arm was not made from the conscious physical possession of the petitioner, as same was made from the room of the petitioner, which was jointly occupied by other co-accused persons, as per seizure list. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that no fire arm was recovered from the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of the fire arm was not made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patliputra P.S. Case No. 179 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Patna/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall
not involve in the similar nature of offence



till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Vinita Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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