

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10219 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- BASOPATTI District- Madhubani

VIKASH KUMAR RAI S/o Late Jahri Rai @ Late Johari Rai R/o village-
Ghat Madhiya, P.S.- Basopatti, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 399 and 402 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 loaded pistol along
and two live cartridges and Rs. 2900/- cash from the co-accused
and on e knife along with Rs. 900 is said to have been recovered
from the possession of another co-accused.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
nothing incriminating article have been recovered from the
conscious possession of the petitioner rather the alleged



recovery has been made from the possession of co-accused, Prabhakar Kumar Yadav. He further submits that the similarly situated co-accused, namely, Prabhakar Kumar Yadav, Guddu Kumar Yadave have already been granted bail by a co-ordinate Bench of this Court vide order dated 25.05.2022 and 26.05.2022 passed in Cr. Misc. No. 6403 of 2022 and Cr. Misc. No. 7388 of 2022 respectively. Another co-accused, Sindhi Kumar Ram has also been granted bail by this Court vide order dated 14.06.2022 passed in Cr. Misc. No. 9152 of 2022. The petitioner is rotting in judicial custody since 18.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Basopatti P.S. Case No. 179 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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