

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10842 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- BHAGWANPUR District- Begusarai

Vikash Kumar Son of Late Rohin Sahni Resident of Village- Nonpur, P.S.-
Tegra, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 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
Bhagwanpur P.S. Case No. 176 of 2021 registered for the
offence under Sections 419 and 420 of the Indian Penal Code
and Sections 25(1-b)a and 26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.08.2021.

The allegation against the petitioner to have in
possession of one country made pistol and a motorcycle,
registration number of which has been changed dishonestly.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged motorcycle belongs to father-in-law of the petitioner and as such, the petitioner has been falsely implicated in the present case. It has also been submitted that seizure list is doubtful as the same has not been supported by independent witnesses. While arguing over the matter, it has further been submitted that the recovery of pistol is without cartridge and the same cannot be said from the conscious physical possession of the petitioner, who is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that, *prima facie*, the ingredients of inducement is absent.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that there is no element of inducement, let the petitioner, above named, is directed to be released on bail in connection with Bhagwanpur P.S. Case No. 176 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 Judicial Magistrate, 1st Class, Begusarai, subject to the following conditions:



“(i) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial.

(ii) That one of the bailors shall be Laltun Sahni, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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