

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12040 of 2022

Arising Out of PS. Case No.-140 Year-2021 Thana- AMARPUR District- Banka

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VISHAL GAIN @ BIBHU @ VISHAL KUMAR GAIN @ BIBHU GAIN
Son of Rakesh Gain Resident of Village - Amarpur, Near Old Post office, P.S.
- Amarpur, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Amarpur P.S. Case No. 140 of 2021 for the offence punishable
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Prosecution story in brief is that Police on receiving
secret information that 7-8 miscreants were extorting money
from the truck drivers at gun point had reached with its team at
the spot. Two of the miscreants were apprehended by the police
and rest succeeded to flee away. The apprehended accused



disclosed their name as Md. Irshad and Vihsal Kumar (petitioner). On search, a country made pistol and three live cartridges were recovered from possession of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner has been named in the present case while he was remanded in another case on the basis of his confessional statement made before the police. Petitioner was not apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 20.03.2021, as such he makes prayer to be released on bail.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that the petitioner has confessed his involvement in the alleged incidence, as such the petitioner does not deserve to be released on bail.

Considering the nature of allegation made in the F.I.R., no incriminating articles have been recovered from the conscious possession of the petitioner, petitioner has been made accused in the present case on the basis of his confessional statement made in police custody while he was remanded in



another case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 140 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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