

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20811 of 2022

Arising Out of PS. Case No.-296 Year-2021 Thana- RAMGARHWA District- East
Champaran

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VIKASH KUMAR S/O MAHENDRA SAH R/o village- Sariswa Bazar, P.S.-
Majhauriya, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra
For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Ramgarhwa P.S. Case No. 296/2021 registered for the offences
punishable under Sections 25(1-B)a, 26/ 35 of the Arms Act.

As per prosecution case, there is alleged recovery of
one loaded country made pistol with one live cartridge, cash
Rs.8000/- and one mobile phone from the conscious possession
of the petitioner. The petitioner was apprehended on the spot
and co-accused, Tanveer Alam succeeded in fleeing away. They
were making plan to commit loot.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. No incriminating articles has been recovered from the conscious possession of the petitioner. He further submits that as per prosecution case petitioner was standing near a motorcycle and merely on suspicion he was apprehended by the police. Recovered mobile phone and cash Rs.8000/- belong to the petitioner. The petitioner is languishing in custody since 17.10.2021 as mentioned in impugned order and bears criminal antecedent of two cases. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Motihari, East Champaran in connection with Ramgarhwa P.S.

Case No. 296/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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