

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23165 of 2022**

Arising Out of PS. Case No.-466 Year-2021 Thana- KORHA District- Katihar

Vivek Kumar Son Of Pankaj Yadav R/O Village- Bari Bhains Deyara P.S.-
Barari District- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 03-08-2022 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 Korha
P.S. Case No. 466 of 2021 registered for the offences punishable
under Section 392/411 of the Indian Penal Code read with
Sections 27(1-b)a/26 of the Arms Act.

As per prosecution case, informant was returning
home, in the meantime one miscreant took away his motorcycle
in question on point of pistol. Petitioner was apprehended on
spot and incriminating material like country made pistol and one
knife was recovered from his conscious possession.

Learned counsel for the petitioner submits that



petitioner is in custody since 16.10.2021, petitioner bears no criminal antecedent, seizure list prepared by the informant is doubtful and there is no evidence against the petitioner. There is no likelihood of tampering with the prosecution evidence and nothing incriminating has been recovered from the conscious possession of the petitioner. Petitioner has been falsely implicated in this case

The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner is apprehended on spot with incriminating material like country made pistol and one knife along with snatched motorcycle.

Considering the facts and circumstances of the case, there is specific allegation against the petitioner to take away the motorcycle and he was apprehended red handed on spot along with incriminating material like country made pistol and one knife, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the 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 **if trial is preferably not concluded within nine months from the date of receipt of the order on**



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 466 of 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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