

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41919 of 2021**

Arising Out of PS. Case No.-295 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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VISHAL KUMAR S/o Devendra Singh R/o village- Semra, P.S.- Chiraiya,
Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-02-2022 Heard the parties through video conferencing.

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, who is in custody since 18.04.2021,
seeks regular bail in connection with Motihari Town P.S. Case
No. 295 of 2021 for the offence punishable under Sections 399,
401 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26
and 35 of the Arms Act.

The prosecution case, in brief, is that on secret
information, the police apprehended three accused persons and
from possession of the petitioner, two cartridges are said to have



been recovered.

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 clean antecedent and nothing incriminating has been recovered from the conscious possession of the petitioner. The offence under Sections 399, 401 and 414 of the Indian Penal Code is not made out against the petitioner as there is no allegation of preparation to commit dacoity at particular place or against a particular person. No arms has been recovered from the possession of the petitioner. Petitioner is in custody since 18.04.2021.

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

Considering the aforementioned facts and circumstances of the case and, period of custody of the petitioner, nothing has been recovered from the conscious possession of the petitioner and there is no allegation of tampering with the evidence or influencing the witnesses, 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 CJM, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 295 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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