

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38092 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- ATHMALGOLA District- Patna

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Vivek Kumar @ Viveka Son of Khellu Yadav @ Ramkhelaman Yadav @
Ramkhelaman Singh Resident of Village- Chanda, P.S.- Athmalgola, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-09-2022 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
Athmalgola P.S. Case No. 157/2021 registered for the offences
punishable under Sections 25(1-b)a, 26 of the Arms Act.

As per prosecution case, there is alleged recovery of
one loaded country made Katta and one live cartridge from the
possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the possession of the



petitioner. The petitioner is languishing in custody since 21.08.2021 and bears criminal antecedent of two cases in which he is bail. Learned counsel for the petitioner further submits that there is no compliance of Section 100 Cr.P.C. and seizure list has not been prepared as per law. 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 S.D.J.M., Barh, District-Patna in connection with Athmalgola P.S. Case No. 157/2021, 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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