

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41541 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- MAHUA District- Vaishali

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Vivek Kumar, Son of Ram Naresh Rai @ Ram Naresh Ray, Resident of
Village - Ratanpura, P.s.- Bhagwanpur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Mahua P.S. Case No. 276 of 2022 registered for
the alleged offences under Sections 399, 402, 412, 413, 414 of
the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the
Arms Act.

As per prosecution case, police received secret
information about gathering of five criminals, who were
carrying firearms. The police party reached the spot and four
miscreants were apprehended along with their bikes. One of the
miscreants escaped from the spot. On search of the apprehended



persons, a number of firearms and ammunition were recovered. But no recovery was made from the petitioner who was also apprehended along with other co-accused persons. It also came to notice that the motorcycle which were seized were stolen properties.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and nothing incriminating has been recovered from his possession. In fact, the petitioner was apprehended from his house and has been named in this case on saying of people who were on inimical terms with this petitioner. The petitioner is having one criminal antecedent under Excise Act and he is on bail in that case. The petitioner is in custody since 26.04.2022 and charge sheet has already been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the fact that no recovery has been shown from this petitioner and also considering his period of custody and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 276 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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