

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65965 of 2021

Arising Out of PS. Case No.-137 Year-2021 Thana- MAHNAR District- Vaishali

Vikash Kumar @ Vikash Kumar Ray S/o Chanarik Ray @ Chandrika Ray R/o
village- Majhauli, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 323, 341, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, in brief, is that the allegation against the petitioner along with co-accused came to the house of co-accused Deepak Kumar @ Jangali to demand his share in looted money which led to fight between both the parties. Co-accused Deepak Kumar @ Jangali fired from katta and the accused petitioner also fired from his *desi katta*. On hearing, the villagers



came and apprehended the accused petitioner while co-accused fled away.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that nothing has been recovered from the conscious possession of the petitioner so no case is made out under Section 27 of the Arms Act and the police after investigation submitted chargesheet against the petitioner under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act and the petitioner is in custody since 28.04.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mahnar P.S. Case No. 137 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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