

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54629 of 2021**

Arising Out of PS. Case No.-68 Year-2021 Thana- GHORASAHAN District- East
Champaran

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VIKASH KUMAR SON OF TIMAN MAHTO R/O VILLAGE- VERTA
CHAUK, P.S.- GHORASAHAN, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Ghorasahan

P.S. Case No. 68 of 2021 registered for the offences punishable

under Sections 413, 414, 420 of the IPC and Sections 25(1-B),

a, 26 of the Arms Act.

As per prosecution case, during checking of the

vehicles by the police party petitioner was apprehended along

with one motorcycle without having number plate and on search

one loaded country made pistol and one live cartridge was



recovered from his possession.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. It is further submitted that it appears from the FIR as well as seizure list that one motorcycle, one loaded country made pistol and one live cartridge have been recovered from possession of the petitioner but in fact, nothing has been recovered from conscious possession of the petitioner rather the police has planted the same. Petitioner is in custody since 23.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries six criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Chief Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 68 of 2021, subject to 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 witnesses, 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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