

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)s
CRIMINAL MISCELLANEOUS No.47915 of 2022**

Arising Out of PS. Case No.-244 Year-2021 Thana- THAWE District- Gopalganj

Vivek Kumar Singh Son Of Vinod Kumar Singh @ Sadhu Singh @ Vinod Kumar R/O Village- Barka Rohara Kala, P.S.- Barharia, District- Siwan
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Trial No. 2648/22 arising out of Thawe P.S. Case No. 244 of 2021 registered for the offences punishable under Sections 399, 402, 413, 414/120(B) of the Indian Penal Code and Section 25(1-b) A/26/35 of the Arms Act. He is in custody since 28.11.2021 having four criminal antecedents.

As per the prosecution story, the informant has alleged that on secret information he along with other police personnel reached at the village road of Dhobwaliya Bazar and surrounded the accused persons, on seeing the police party all



the miscreants started fleeing away but were caught in the torch light. On interrogation the apprehended persons disclosed their name as Rajnish Kumar Giri, Vivek Kumar Singh, Rasre Alam @ Alam, Zahid Hussain and Meraj Ali. On search, arm and ammunition as well as motorcycle and mobiles etc. were recovered from the accused persons.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner has no connection with the seized arms and motorcycle, however he is in custody since 28.11.2021.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the fact that from possession of the petitioner one loaded Katta, one misfired cartridge and one mobile said to have been recovered but in this case he is in custody since 28.11.2021 and there being no submission on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty



Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri Devendra Prasad, learned Judicial Magistrate - 1st Class, Gopalganj, in connection with Trial No. 2648/2022 arising out of Thawe P.S. Case No. 244/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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