

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60852 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- MOTIPUR District- Muzaffarpur

VIKASH KUMAR Son of Sanjay Das Resident of Village - Panapur, Ward
No.12, O.P. Panapur, P.s.- Minapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-02-2022 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 Motipur P.S.
Case No. 69/ 2021 registered for the offences punishable under
Sections 413, 414, 399, 400, 402, 120B/34 of the IPC and
Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, one loaded country made
pistol has been recovered from possession of the petitioner. It is
also alleged that two motorcycles have been recovered from
joint possession of petitioner and co-accused persons. It is also



alleged that one loaded country made pistol and two live cartridges have been recovered from joint possession of co-accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. In fact, nothing has been recovered from conscious possession of the petitioner rather the police has planted the same and so recovery has been shown from possession of the petitioner. He further submits that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 05.03.2021.

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

Considering the aforesaid facts and circumstances, 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 Additional Chief Judicial Magistrate-2nd, West, Muzaffarpur in connection with Motipur P.S. Case No. 69/ 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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