

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50919 of 2022

Arising Out of PS. Case No.-38 Year-2021 Thana- PANDARAK District- Patna

VIVEK KUMAR @ HAGGA S/o Gendhu Singh Resident of Village-
Lakshmipur, P.S.- N.T.P.C., District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Pandarak P.S. Case No. 38 of 2021 for the offence registered
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution story, when the police was on
morning patrol, they got information about the wanted accused,
the petitioner herein and accordingly, intercepted and caught
hold of him and from his possession, a country-made pistol and
total 14 live cartridges were recovered. Accordingly, the seizure
list was prepared and FIR registered.



Learned counsel for the petitioner submits that merely because he has criminal antecedent, he has been brought into judicial net and the Arms Act case has been lodged against him. The last submission is that he is in custody since 07.04.2021 (as stated in paragraph-12 of the bail application)

Considering the fact that he is in judicial custody since 07.04.2021 as also that charge sheet stands submitted against him, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge 5th Barh, Patna in connection with Pandarak P.S. Case No. 38 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave the district (Patna) for a



period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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