

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68158 of 2021

Arising Out of PS. Case No.-547 Year-2021 Thana- PATRAKARNAGAR District- Patna

VIVEK KUMAR @ VICKY @ VIVEK KOBRA Son of Vijay Prakash Gupta
R/O - Gaighat, Kajibagh, P.S.- Alamganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard.

The petitioner seeks regular bail in connection with Patrakar Nagar P.S. Case No. 547 of 2021 (Special Case No. 6090 of 2021), registered for the offence punishable under sections 353/504 of the Indian Penal Code, Section 37(b)(c) of Bihar Prohibition and Excise Act, 2016 and Section 25(1-b)a/26/35 of Arms Act.

The allegation is regarding the police having intercepted the petitioner and one other co-accused person while they were rashly driving the motorcycle in question and upon search, one country made pistol was recovered from the co-accused person namely Raj Kumar @ Ranveer Singh and as far as the petitioner is concerned, it was found that he had consumed alcohol. It is also alleged that one mobile phone and a motorcycle was recovered from the petitioner.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 27.09.2021. The learned counsel for the petitioner has referred to page No. 25 and 26 of the present petition to show that the motorcycle in question stands registered in the name of the petitioner and the mobile phone in question has also been purchased from one Google Communication & Mobile Care, hence, it is submitted that as far as the petitioner is concerned, since no arms have been recovered, a lenient view may be taken for the purposes of granting regular bail to the petitioner herein especially since he is languishing in custody since 27.9.2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that the petitioner has specifically averred in the present petition that he is legal and lawful owner of the motorcycle and the mobile phone in question apart from the fact that no arms have been recovered from the petitioner herein and he is languishing in custody since 27.09.2021, I deem it fit and proper to admit the petitioner to the privilege of regular bail.



Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, Excise, Patna in connection with Patrakar Nagar P.S. Case No. 547 of 2021 (Special Case No. 6090 of 2021).

(Mohit Kumar Shah, J)

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