

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5766 of 2023

Arising Out of PS. Case No.-566 Year-2022 Thana- GARKHA District- Saran

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AJIT KUMAR @ VIKASH KUMAR Son of Shailesh Singh Resident of
Village- Afaur, P.S.- Nagra, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
29.08.2022 in connection with Garkha P.S. Case No. 566/2022,
F.I.R. dated 28.08.2022, for the offences punishable under
Sections 399, 402, 414 of the Indian Penal Code and Section
25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, one country made
pistol as well as one Passion Pro motorcycle and one cartridge
are said to have been recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that one motorcycle, one loaded country made pistol have been recovered from the possession of the petitioner. He further submits that in fact the petitioner was pillion rider of the motorcycle in question and he has no knowledge about the motorcycle in question and similarly situated co-accused namely, Karan Kumar has been granted bail by co-ordinate Bench of this Court vide order dated 23.03.2023 passed in 65988/2022 and another co-accused namely, Anuj Upadhyay @ Anand Kumar has been granted bail vide order dated 04.03.2023 passed in Cr. Misc. No.73729/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.08.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

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 Sri Vivek Kumar Upadhyay, J.M.1st Class, Saran at Chapra, in connection with Garkha P.S. Case No. 566/2022, 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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