

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.19398 of 2023**

Arising Out of PS. Case No.-1173 Year-2022 Thana- KHAJANCHI HAT District- Purnia

VICTOR KUMAR SON OF LATE MANOJ KAMTI Resident of Harda  
Bazar, P.S.-K.Hat (Maranga), District-Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Md Fazle Karim, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      04-07-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
05.11.2022 in connection with K. Hat P.S. Case No.1173/2022,  
F.I.R. dated 05.11.2022, for the offences punishable under  
Sections 401, 413, 414, 379, 411 of the IPC & Sections 25(1-  
b)a, 26 and 35 of the Arms Act.

According to prosecution case, on secret information,  
the police raided the house of co-accused namely Rahul Kamti  
and three persons were found in the room of Rahul Kamti, who  
disclosed their names as Rahul Kamti, Rajan Kumar and the  
petitioner and on their body search, one country made pistol and  
two live cartridges recovered from the possession of co-accused,  
Rahul Kamti, one Narzo mobile was recovered from the



possession of the petitioner and one mobile was recovered from co-accused Rajan Kumar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case only on the ground that the petitioner is brother of co-accused, namely, Rahul Kamti. He further submits that it appears from the F.I.R. as well as seizure list that no incriminating article has been recovered from the possession of the petitioner and all the recovery has been made from the house of the petitioner and the petitioner happens to be the brother of co-accused namely Rahul Kamti and Rahul Kamti was involved in selling and purchasing of stolen motorcycle. He further submits that the petitioner has no concern at all with the alleged motorcycle and arms, which were recovered from the house of petitioner/Rahul Kamti. He further submits that the petitioner has been remanded in all cases as mentioned in para-3 of the bail petition, after the present case was instituted. He further submits that similarly situated co-accused persons, namely, Rajan Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 01.05.2023 passed in Cr. Misc. No.15208/2023, another co-accused, namely, Shubham Kumar has been granted bail vide order dated 15.05.2023 passed in Cr. Misc. No.15328/2023 and



another co-accused, namely, Rahul Kamti, who happens to be the brother of the petitioner has been granted bail vide order dated 24.05.2023 passed in Cr. Misc. No. 26101/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.11.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried seven criminal antecedent other than the present one.

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 C.J.M., Purnea in connection with K. Hat (Maranga) P.S. Case No.1173/2022, 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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