

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20665 of 2023

Arising Out of PS. Case No.-1343 Year-2022 Thana- PHULWARISHARIF District- Patna

VIKASH KUMAR Son of Suryadeep Choudhary @ Surajdeep choudhary
R/V- Tamtam Paraw (near Oriental Bank) P.S- Phulwarisharif Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 04.11.2022 in connection with Phulwarisharif P.S. Case No. 1343 of 2022, F.I.R. dated 02.11.2022 registered for the offence punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

As per prosecution case, on receiving a secret information that beside the house of one Subhash Sonar, two boys showing their weapons, thereafter the police personnel reached at that place. On search, there has been recovery of one country-made pistol and two live cartridges from left waist of co-accused-Arvind Kumar.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present



case. Further submits that it appears from the FIR as well as the seizure list that nothing incriminating article has been recovered from possession of the petitioner rather the recovery of Arms has been made from possession of co-accused-Arvind Kumar, so no case is made out under the Arms Act against the petitioner and from possession of whom, the recovery has been made, namely, Arvind Kumar, who has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 29.04.2023 passed in Cr. Misc. No.23232 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 04.11.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid fact, 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 learned Additional Chief Judicial Magistrate-XIV, Patna in connection with Phulwarisharif P.S. Case No. 1343 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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