

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33812 of 2023

Arising Out of PS. Case No.-416 Year-2022 Thana- RIVILGANJ District- Saran

Vicky Kumar Pandit @ Bikky Kumar Pandit Son of Prakash Pandit R/V-
Godana Purab Tola, PS- Rivilganj, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Rivilganj PS Case No. 416 of 2022, registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to the FIR, on secret information a raid was conducted and three persons were apprehended on the spot. It is further alleged that arms and ammunition, knife and stolen motorcycle etc. were recovered from possession of the apprehended accused persons and they disclosed name of this petitioner as one of the persons who fled away from the place of occurrence after noticing the police party.



4. Learned counsel for the petitioner submits that petitioner has got clean antecedent and he has been falsely implicated in this case on the basis of disclosure made by the apprehended accused persons. He further submits that no incriminating article has been recovered from possession of this petitioner. During course of investigation, no material has come against this petitioner, save and except confessional statement of co-accused persons, who were apprehended on the spot.

5. Learned APP for the State, on the other hand vehemently opposes the prayer for bail.

6. Considering the fact that no incriminating article has been recovered from possession of petitioner and he claims clean antecedent, let the petitioner above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Additional Sessions Judge XI, Saran (Chapra) in connection with Rivilganj P.S. Case No. 416 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with further conditions:-

- (i) 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 liable to be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witness, in that case, prosecution will be at liberty to move for cancellation of bail.

(iii) 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 antecedents, 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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