

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28572 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

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VIJAY KUMAR @ VIJAY KUMAR MUKHIYA S/o- BASANT MUKHIYA
Village- Balni Mehanth Navtoliya Ps- Bhairavsthan Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
10.02.2023 in connection with Bhairavsthan P.S. Case
No.23/2023, G.R. No.241/2023, F.I.R. dated 09.02.2023, for the
offences punishable under Sections 399, 402, 414 of the IPC &
Section 25(1-b) a, 26 and 35 of Arms Act.

According to prosecution case, one mobile phone is
said to have been recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that the
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 nothing incriminating



article has been recovered from the possession of the petitioner rather the recovery has been made from the co-accused persons and from the possession of the petitioner, one mobile phone has been recovered. In view of the aforesaid, no case under the Arms Act is made out against the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.02.2023.

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 the learned A.C.J.M.-1st, Jhanjharpur, Madhubani in connection with Bhairavsthan P.S. Case No.23/2023, G.R. No.241/2023, 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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