

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45399 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- FORBESGANJ District- Araria

Vivek Kumar @ Vivek Kumar Ram @ Vivek Devraj Son Of Navin Kumar
Das R/O Village- Khair Khan, P.S.- Farbisganj, District- Araria

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Farbisganj P.S. Case No. 196 of 2022, registered for the offences punishable under Sections 399, 402 of Indian Penal code and Sections 25(1-b)a, 26, 35 of the Arms Act.

The prosecution case as emerges from the FIR is that the police received information that some miscreants are planning to commit crime in the Hotel Green Plaza. Thereafter, the police conducted a raid of the aforesaid hotel and apprehended one person from the spot. One country-made pistol and three live cartridges were recovered from



the apprehended person.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He further submits that the petitioner has not been arrested on the spot. He also submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that other co-accused, namely, Aashish Kumar @ Ashish Raj has already been enlarged on bail by a coordinate Bench of this Court vide order dated 16.11.2022 passed in Cr. Misc. No. 30485 of 2022. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 10.03.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in five other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Araria in connection with Farbisganj P.S. Case No. 196 of 2022, **after framing of charge, if not already framed** on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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