

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49821 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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VIKKI KUMAR @ RAHUL SON OF SUBODH KUMAR ROY VILLAGE
HAKIMABAD WARD NO 7, PS- SAMASTIPUR MUFFASIL, DIST-
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection
with Samastipur Muffasil P.S. Case No. 275 of 2023 registered
under Section 411 of the Indian Penal Code and Section 25 (1-
b)a, 26 and 35 of the Arms Act lodged on 19.05.2023 by the
informant, Manu Ray.

As per the prosecution story, the police raided the
'orchard' and apprehended three persons, the petitioner included
and amongst other from him, a loaded country made pistol with
a live cartridge and a motorcycle was/were recovered/seized.
As it was found that the motorcycle there was part of a robbery
done on 16.05.2023, the same was seized and accused included



the petitioner were arrested.

It is the case of the petitioner that he was there in the ‘*orchard*’ rounded off and implicated for which he has already suffered by being in custody since 20.05.2023 (as stated in paragraph-11 of the petition).

Learned APP for the State opposes the prayer for bail stating that the police upon search found loaded pistol and live cartridge.

Taking into account the fact that he is a young person, no criminal antecedent, remained in custody since 20.05.2023 and ultimately, he will have to face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Samastipur in connection with Samastipur Muffasil P.S. Case No. 275 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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