

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56608 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- BHAWANIPUR District- Purnia

Vivek Kumar Sharma Son Of Arjun Sharma Resident Of Village - Durgapur,
Police Station - Bhawanipur, District - Purnia

... .. Petitioner/S

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bhawanipur P.S. Case No. 111 of 2023 lodged under Sections
25(1-b)a/ 26 of the Arms Act.

3. As per the F.I.R., two persons were made accused
including the present petitioner. As per the allegation made in
the F.I.R. on the secret information that accused Gaurav Kumar
and kidnapped victim of another P.S. have made a photo viral on
facebook in which a desi katta is with Gaurav Kumar. Upon this
information, the police party reached at the house of Gaurav
Kumar. In the raid, one boy and girl was recovered. The alleged
girl had disclosed that the viral desi katta has been kept with his
friend, namely, Vivek Kumar Sharma (petitioner). The police

party reached at the house of the petitioner and during raid, the petitioner was not at his house, but upon search, one *Pithu* bag of black color was found in a room situated at the eastern side of the petitioner's house and from the said bag, one desi katta was recovered and then the F.I.R. has been lodged.

4. Learned counsel for the petitioner submits that under Arms Act, the recovery of arms is necessary to be made from the conscious possession of the petitioner. He submits that from the F.I.R., it transpires that petitioner was not present at his house. It has also come that the said *Pithu* bag has not recovered from the petitioner's house rather from the eastern part of a room which is made up of tent.

5. Counsel further submits that petitioner is in custody since 26.05.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Magistrate, Purnia, in connection with Bhawanipur P.S. Case No. 111 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 *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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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.

(Dr. Anshuman, J.)

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