

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59098 of 2023

Arising Out of PS. Case No.-125 Year-2020 Thana- KHIRI MORE District- Patna

VIJAY KUMAR S/O RADHE MOHAN @ RADHE MOHAN SINGH R/O
VILLAGE- SHANKARPUR MAKHMILPUR, PS. KINJAR, DIST. ARWAL
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Khiri More P.S. Case No. 125 of 2020 for the offence under sections 399, 402 of the Indian Penal Code and sections 25(1-b)a, 26, 35 of Arms Act lodged on 04.10.2020 by the informant, Ravishankar.

3. As per the prosecution story, upon information that the accused persons have assembled to commit crime, the Police reached the place of occurrence. On the sight of the Police, the accused persons successfully escaped leaving the two motorcycles as also the mobile phone dropped by one of the accused persons. The local 'Chowkidar' identified them, the petitioner being one of them.

4. The further allegation is that from the motorcycle, which the petitioner owns, a loaded country made pistol with four live cartridges recovered/seized. The mobile that was



dropped also belongs to him. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that on the sight of Police, they tried to escape, nothing to do with the crime as alleged, only to implicate, arms theory has been incorporated in the FIR resulting into his custody since 25.03.2023 (as stated in paragraph 4 of the petition). Though, he concedes that he has criminal antecedent of the same nature.

6. Learned APP opposes the prayer for bail stating that on the spot, there is motorcycle as also mobile were recovered/seized and arms loaded pistol with live cartridges were recovered/seized.

7. Taking into account the aforesaid submissions, his period of custody as also that he is young boy of twenty-three years of age, this Court is inclined to extend him the privilege of bail only after framing of the charges.

8. Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-III, Danapur, District- Patna/Concerned Court, in connection with Khiri More P.S. Case No. 125 of 2020 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his 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 the 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 his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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