

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60383 of 2022**

Arising Out of PS. Case No.-228 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Vikash Kumar Son of Ganga Das @ Ganga Das R/O- Vill- Chandani Chowk,
Bishunpur Ward No- 42, P.S- Begusarai Town, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 27-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 25(1-b)a, 26 and 35 of the
Arms Act.

According to prosecution case, the informant received
a secret information and on the basis of the same, three persons
were intercepted and on search arms were recovered from the
co-accused persons but nothing has been recovered from the



petitioner. It is further alleged that the accused persons disclosed their plan to loot motorcycles.

Learned counsel for the petitioner submits that petitioner 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 no incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made from the co-accused persons, namely, Pandav Mahton and Kundan Kumar @ Nepali Mahto. He further submits that the petitioner has no concern at all with the co-accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Pandav Mahton has been granted bail by a co-ordinate Bench of this Court vide order dated 23.12.2022 passed in Cr. Misc. No. 53537 of 2022 and Kunadan Kumar @ Nepali Mahto has been granted bail by a co-ordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 54707 of 2022. The petitioner is in custody since 07.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other



than the present one.

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 Court below where the case is pending in connection with Begusasrai Muffasil P.S. Case No. 228 of 2022, 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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