

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 60736 of 2022**

Arising Out of PS. Case No.-149 Year-2021 Thana- KAKO District- Jehanabad

VIKASH KUMAR S/O Parmod Yadav @ Pramod Yadav @ Karu Yadav R/O
Village- Nirmani Math, P.S- Hulasganj, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Kunwar Ajit Singh, Advocate
For the Opposite Party/s : Mr Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 24-01-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Kako Police Station (for brevity, **PS**) Case No 149 of 2021 dated 11.10.2021 registered for the offence punishable under Section 414 of Indian Penal Code and Sections 25 (1-b) a, 26, 35 of Arms Act.

Two persons, namely, Satish Kumar @ Chhotu and Dharmraj Kumar have been apprehended with arms, ammunitions and stolen motorcycle. The petitioner has been implicated on the statement of co-accused Dharmraj Kumar to the effect that the recovered arms were handed over by the petitioner.

Learned counsel submits that the petitioner has no concern with the two co-accused Satish Kumar @ Chhotu and Dharmraj Kumar. He has been dragged in this case on the alleged confessional statement of Dharmraj Kumar, which has been recorded in custody and has no evidentiary value. The petitioner is on bail in the three cases, pending against him and in the instant case, he is in custody since 24.07.2022. Co-accused Satish Kumar @ Chhotu and



Dharmraj Kumar have been allowed bail by this Court by orders dated 06.09.2022 and 13.06.2022 passed in Cr Misc No 37180 of 2022 and Cr Misc No 5713 of 2022 respectively.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, period of custody, the fact that no recovery has been shown from the petitioner, claim of parity as well as the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Jehanabad in Kako PS Case No 149 of 2021 dated 11.10.2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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