

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61211 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- BAKHTIYARPUR District- Patna

Vikash Kumar S/O Vinod Singh R/O Village- Mustafapur, P.S- Deep Nagar,
District- Nalanda

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-02-2023 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bakhtiyarpur P.S. Case No. 182 of 2021 lodged under Sections
25(1B)a, 26, 35 of the Arms Act.

As per the prosecution case, three persons were
apprehended in the present case by the police, namely Sonu
Kumar, Ripu Kumar and Vikas Kumar. It has come in this case
that it is Vikas kumar, who handed over pistol, 2 magazines and
4 live cartridges to his 3 children, Sonu Kumar, Ripu Kumar and
Rajkumar, to keep with them. At the time of arrest, nothing was
recovered from the possession of Vikash Kumar.

Learned counsel for the petitioner submits that the said recovery was made from the possession of Ripu Kumar and the said Ripu Kumar and accused Raj Kumar have been granted bail by this Hon'ble Court vide order dated 22.08.2022 in Cr. Misc. No. 13670 of 2022 and vide order dated 16.06.2022 in Cr. Misc. No. 15497 of 2022, respectively.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 14.09.2021 having one criminal case pending against him, in which bail has not been granted to the petitioner.

Learned counsel for the State opposes the prayer for bail.

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 Additional Chief Judicial Magistrate-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 182 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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