

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62496 of 2022

Arising Out of PS. Case No.-607 Year-2022 Thana- SITAMARHI District- Sitamarhi

Vikash Kumar, Son of Nagendra Mahto, R/v- Ranauli, P.S.- Bathnaha,
District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Sitamarhi P.S. Case No. 607 of 2022, registered for the alleged offences under Sections 25 (1-B)a, 26, 29 and 35 of the Arms Act.

As per prosecution case, during patrolling vehicles were being checked. Three persons riding on a motorcycle were signaled by the police to stop but they tried to flee away taking their motorcycle. Police gave them a chase and later on, three persons were found near a hospital and was apprehended and one person riding on motorcycle ran away from the spot. The petitioner is one of the apprehended persons and from his possession a loaded country made pistol along with one live



cartridges were recovered. Further recovery of firearms and ammunition were made from the other co-accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The father of the petitioner gave a petition before the *Sarpanch* that in the night of 10.09.2022 police took his son and his mobile phone. No recovery of incriminating article has been made from this petitioner and the recovery shown by the police is completely false and fabricated. The seizure list is concocted one. Other co-accused, namely, Bablu Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.02.2023 passed in Cr. Misc. No. 64139 of 2022. The petitioner is in custody since 12.09.2022 and charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner was caught red handed with firearms and ammunition.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above



named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 607 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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