

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7357 of 2024

Arising Out of PS. Case No.-600 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Vikash Kumar @ Naga, son of Late Rajendra Yadav Moh- English Ps-
Lakhisarai Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Lakhisarai (Kabaiya) P.S. Case No. 600 of 2023, lodged on
06.08.2023 under Section 401 of the Indian Penal Code read
with sections 25(1-b)A, 25(1-AC), 26(1), 35 of the Arms Act
and section 4/5 of the Explosive Substance Act.

3. As per the prosecution case, FIR has been lodged
against eight named accused persons including the present
petitioner. The name of the petitioner has come in the FIR by the
apprehended person who disclosed that he used to run a gang
with the help of different accused persons including the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that neither any material under Arms Act nor under



Explosive Substance Act has been recovered from the possession of the petitioner. Counsel further submits that the name of the petitioner has been figured in this case only by virtue of apprehended accused person namely Govinda who said the petitioner including other co-accused are the members of the gang of Govinda.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is not clean and there are two criminal cases pending against him in which in one case, he is acquitted and in another, he is on bail. The petitioner is in custody since 08.09.2023 in the present case. Counsel further submits that the accused Govinda on whose disclosure, name of the petitioner has come has been granted bail by the co-ordinate bench of this Court as well as another co-accused namely Mithilesh Kumar whose case is exact like that of the present petitioner has been granted bail by the co-ordinate bench of this Court *vide* order dated 22.11.2023 passed in Cr. Misc. No. 72891 of 2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 600 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.Cas well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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