

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40426 of 2024

Arising Out of PS. Case No.-710 Year-2023 Thana- GHORASAHAN District- East
Champaran

Vijay Kumar S/o Ram Lakhan Rai R/o village- Bankatwa, P.S.-Jitna, District-
East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-06-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks regular bail in connection with
Ghorasahan P.S. Case No. 710 of 2023 dated 11.12.2023,
registered for the offences punishable under Sections 25(1-b)a
and 26/35 of the Arms Act.

3. The prosecution case as emerges from the FIR is
that when the informant was returning after the patrolling, the
villagers were making noise and chasing the persons who was
on a motorcycle, shouting that they are thief of goats and
thereafter, the informant chased the motorcycle and the
petitioner who was sitting as a pillion rider on the motorcycle
fell down and apprehended. On search, one loaded country



made pistol was recovered from the petitioner. He also disclosed his associate's name who fled away on the motorcycle as Dilip Ram, who was driving the motorcycle.

4. Ld. Counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that seizure of the alleged arms is not as per the rules provided under Section 100 Cr.PC. It is a case of plantation of false case against the Petitioner. He further submits that the Petitioner is in custody since 12.12.2023. He also submits that the charge sheet has already been submitted and there is no any possibility of tampering with the evidence. He further submits that other co-accused person has already been enlarged on anticipatory bail by this Court vide order dated 20.05.2024 passed in Cr. Misc. No. 27364 of 2024.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Chief Judicial Magistrate-III, Sikarahnna, at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 710 of 2023 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his



knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J.)

ravishankar/S.Ali

U		T	
---	--	---	--

