

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45456 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- KESARIA District- East Champaran

Vikash Kumar S/O Maya Shankar Bhagat R/O Village-Raghunathpur,P.S.-
Kesariya, Distt-East Champaran Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
Mr. Hemant Ray, Advocate
For the Opposite Party/s : Ms.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Kesariya P.S. Case No. 77 of 2024 for the offence punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and 25(1-b) a/26 of the Arms Act lodged on 13.03.2024 by the informant, Uday Kumar.

3. As per the prosecution story, the informant alleged that on secret information that at Rajpur Kothi Chowk, some accused persons were planning to commit crime, he along with some police personnel reached there and apprehended the accused persons which included this petitioner. From the petitioner, one loaded country made pistol besides the motorcycles recovered/seized and as he failed to produce any document relating to pistol/motorcycles, apprehended. There are allegation against other accused persons also inasmuch as from Golu Kumar, two live cartridges and Splender motorcycle with



damaged number plate which was found to be stolen one were seized, from Suman Kumar, one live cartridge and from Kundan Kumar, a mobile phone besides a Glamour motorcycle as also from Bhola Kumar another motorcycle recovered/seized. As they failed to produce any document, this led to the FIR.

4. Learned counsel for the petitioner submits that only on suspicion as also because of the criminal antecedent, the police has implicated him showing the presence of revolver. He has already suffered by being in custody since 13.03.2024 (para-4 of the petition).

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Considering the aforesaid submission put forward by the parties as also his period of custody, FIR lodged, he will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sadar, Motihari, East Champaran, in connection with Kesariya P.S. Case No. 77 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

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