

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55538 of 2024**

Arising Out of PS. Case No.-35 Year-2024 Thana- SABAUR District- Bhagalpur

Vikash Yadav @ Tikiya son of Koko Yadav @ Kokai Yadav Village- Jichho  
Bishanpur P.S.- Lodipur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      21-08-2024                      Heard the learned Advocate for the petitioner and the  
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Sabour P.S. Case No. 35 of 2024, registered for the offence punishable under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1)(b), 26 and 35 of the Arms Act.

3. The police on a tip of assemblage of miscreants in an orchard raided the place of occurrence and apprehended five persons. On search from the possession of the petitioner, four cartridges were recovered besides one silver anklet and mobile.

4. Learned Advocate for the petitioner contended that the in fact the past criminal antecedent of the petitioner is a basis for false implication in the present case. From the



narratives of the FIR as well as the seizure list, it appears that only four cartridges have been recovered, which makes the entire case suspicious for the simple reason that without arms, cartridges are of no means. It is next contended that be that as it may, the petitioner is in custody since 28.01.2024 and one of the co-accused persons, having identical allegation, has been allowed the privilege of regular bail in Cr. Misc. No. 53161 of 2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying three criminal antecedent over his head.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of recovery and the period of custody, coupled with the fact that the crime, in question, is triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 35 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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