

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54225 of 2024

Arising Out of PS. Case No.-159 Year-2023 Thana- HARSIDHI District- East Champaran

Vikash Kumar, aged about 23 years, Male, S/o Nandlal Yadav, Resident of
Village-Nawda Chauwe, P.S. Govindganj, District East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party : Mr. Uma Shankar Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 159 of 2023 dated 04.03.2023 registered for the offences punishable under Sections 399, 402, 413, 414 of the I.P.C., 25(1-b)a, 26, 35 of the Arms Act and Sections 8(B)(ii)(c) of the N.D.P.S. Act. Later on, Sections 22(c), 25 and 29 of the N.D.P.S. Act were also added.

3. As per the prosecution case, on receiving information about the accused persons having gathered and planning to give effect to an occurrence, a raid was conducted. While some accused persons managed to escape, the co-accused Sameer Singh @ Sonu, Rohit Kumar and Biraj Sahani were arrested and



1.486 kgs.,of charas, mobile, one loaded country made pistol alongwith Apache Motorcycle were recovered from the co-accused Sameer Singh @ Sonu, one country made katta alongwith one live cartridge, one mobile, Aadhar Card of Vijay Kumar Patel and owner book of the vehicle of Vijay Kumar Patel were recovered from the possession of the co-accused Biraj Sahani and one Super Splender Motorcycle, one live cartridge and one knife were recovered from the co-accused Rohit Kumar. It is further alleged that they disclosed the name of the petitioner and other co-accused persons who had managed to escape.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has come in the present case on the basis of the confessional statement of the co-accused Sameer Singh @ Sonu, Rohit and Biraj Sahani which has got no evidentiary value in the eye of law. No incriminating article has been recovered from the possession of the petitioner or from his house There is no compliance of Sections 50 and 57 of the N.D.P.S. Act. It is further submitted that both the seizure list witnesses are the police personnel and no one independent witness has signed on



the seizure list, so, there is no compliance of Section 100 of the Cr.P.C. properly by the informant. Except the confessional statement of the apprehended co-accused persons, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The other co-accused person Biraj Sahani @ Brij has already been granted bail by a Bench of this Court vide Cr. Misc. No. 27940 of 2023 under order dated 25.05.2023. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 06.06.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran, Motihari in connection with Harsidhi P.S. Case No. 159 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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