

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55438 of 2024

Arising Out of PS. Case No.-589 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Vivek Kumar @ Lalu Son of Vinod Kumar @ Vinod Pd. Yadav R/V-
VILLAGE- BIJBANI, P.S.- JITNA, DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Ghorasahan P.S. Case No. 589 of 2023 registered for the
offences punishable under Sections 25(1-b)a, 26 of the Arms
Act.

3. As per prosecution case, one country made pistol
and four live cartridges were recovered from the house of the
petitioner.

4. Learned counsel for the petitioner submits that
petitioner bears criminal antecedent of two cases but said two
cases are not similar to the present case and petitioner is on bail
in the said two cases. Petitioner is in custody since 01.06.2024.



Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel has attached Annexure-1 with the bail petition by which anticipatory bail of the petitioner has been rejected in which it has been mentioned that petitioner is one of the junior member of the joint house. Nothing has been recovered from conscious possession of the petitioner and petitioner cannot be held responsible for the recovery where ownership is not exclusively of the petitioner. He further submits that in the light of aforesaid fact, recovery cannot be shown from the house of the petitioner as petitioner is not sole owner of the said house.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran, Motihari in connection



with Ghorasahan P.S. Case No. 589 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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