

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76018 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- Chakia District- Begusarai

Vikram Kumar Son of Dharmendra Ray Village- simaria ward no. 02, Ps-
Chakia, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 24-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Chakia
P.S. Case No. 21 of 2024 instituted for the offences under
Sections 25(1-b)a, 26/35 of the Arms Act.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence and
arrested two accused persons including the petitioner. On
search, the police recovered one sixer (revolver) along with a
live cartridge were recovered from the petitioner whereas one
country made pistol was recovered from the possession of the
co-accused.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that there is no independent witness who has supported the prosecution case rather the same are members of the raiding party. The petitioner has nothing to do with the alleged occurrence. He further submits that actually no arm was ever recovered from the possession of the petitioner rather the same was planted with him. He further submits that admittedly the place of seizure is also having no concern with the petitioner as the place of seizure is an orchard where the co-accused was found with the alleged arms. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has four criminal antecedents and is languishing in judicial custody since 28.05.2024 without any rhymes or reason. The police after compliance of investigation has submitted charge-sheet under Section 25(1-b)/26/35 of the Arms Act.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner,



let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chakia P.S. Case No. 21 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

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

