

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75652 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- RAJAPAKAR District- Vaishali

Vikash Kumar S/O Late Vishwanath Ray R/O Village - Satanpur Ward no. 8,
P.S - Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-12-2024 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 Rajapakar P.S. Case No. 256 of 2024, registered for the offence punishable under Sections 310(4), 310(5), 317(5) of the Bharatiya Nyaya Sanhita and Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The police on a tip off assemblage of miscreants, raided a mango orchard and apprehended four persons, including the petitioner. From the possession of the petitioner one live cartridge was recovered. Certain other incriminating materials have also been recovered from the possession of other co-accused persons.

4. There is complete denial of recovery from the possession of the petitioner. It is the contention of the petitioner



that only on account of the fact that when the police conducted raid, the petitioner was found present at the place of occurrence and thus, he was apprehended and recovery of one live cartridge was shown from his possession. The accused person, namely, Jeewachh Kumar, from whose possession a knife was recovered, has been accorded the privilege of regular bail by this Court in Cr. Misc. No. 70221 of 2024 vide order dated 03.10.2024. The petitioner has been incarcerated since 19.07.2024. Now the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the apart from the criminal antecedent of identical nature, the petitioner was apprehended with other co-accused persons and from his possession, a live cartridge was recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of recovery and the fact that the investigation of the crime is complete and the charge-sheet has been submitted, 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 Judicial Magistrate 1st Class Additional Munsif 7th Vaishali at Hajipur in connection



with Rajapakar P.S. Case No. 256 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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