

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76247 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- NAUBATPUR District- Patna

Vikash Kumar Son of Nawal Kishor Sharma @ Nepali Singh Resident of
Village - Aaropur, P.S. - Naubatpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate
For the State : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard Mr. Rana Ishwar Chandra, learned counsel
for the petitioner and Mr. Kumar Veerendra Narayan, learned
APP for the State.

2. The petitioner is in judicial custody in connection
with Naubatpur P.S. Case No. 107 of 2024 for the offences
punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act
and sections 8(c) and 21(b) of the N.D.P.S. Act, lodged on
14.02.2024 by the informant, Ravi Ranjan Kumar.

3. As per the prosecution story, the informant alleged
that on secret information about the assembly of the accused
persons to commit crime, the police reached the spot and
apprehended Subham Kumar and Avnish Kumar who confessed
to their involvement in the recent firing incident at Naubatpur
Bazar. Further, from the possession of the two accused persons
there is recovery/seizure of country made pistol/live cartridges/



as also 35 sachets weighing 8.05 grams of smack. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he has been dragged in by the police due to criminal antecedents inasmuch as there is no recovery from his possession rather the apprehended persons were forced to give the name of this petitioner and he has already suffered by being in custody since 04.03.2024 (after the remand) and undertakes to diligently appear in trial.

5. Learned APP for the State opposes the prayer submitting that he has more than dozen criminal antecedents under his belt.

6. Though the allegations are there, he also has criminal antecedents, the fact remains that recovery/seizure is from Subham Kumar and Avnish Kumar, his name has come in the confessional statement, in in custody since 04.03.2024, has undertaken to diligently appearing in trial, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Court of Exclusive, Special Court (N.D.P.S) No.-2, Patna in connection



with Naubatpur P.S. Case No. 107 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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