

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82834 of 2024**

Arising Out of PS. Case No.-189 Year-2024 Thana- CHAKIA District- East Champaran

Vivek Kumar Son of Nawal Rai @ Nawal Kishor Ray R/O Vill.- Koila  
Belwa, Ward no. 08, P.S.- Chakiya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      04-12-2024                      Heard the parties.

2. The petitioner is in custody in connection with Chakiya P.S. Case No. 189 of 2024 for the offence punishable under sections 309(5) of the Bharatiya Nyaya Sanhita and 25(1-b)a, 26, 35 of the Arms Act lodged on 01.07.2024 by the informant, Gourav Kumar.

3. As per the prosecution story, the informant alleged that on patrolling duty, it came to know that Micro Finance Institution may be looted, went to the place and apprehended Raju Kumar. On his confession, police went near the Micro Bank where the petitioner was apprehended with loaded country made pistol and four live cartridges, which led to the FIR, arrest.

4. It is the case of the petitioner that only because of criminal antecedent, implicated, is in custody since 02.07.2024, though concede that he has criminal antecedent, intends to leave the district for six months if granted relief and will be providing



the details of the stay along with the police station where he shall appear every fortnight to register his presence.

5. Learned APP opposes the prayer for bail submitting that the petitioner has criminal antecedent.

6. Taking into account the aforesaid facts as also that the petitioner is in custody since 02.07.2024 and an undertaking has been given that he shall be leaving the district for next six months, in that background, this Court is inclined to extend him the privilege of bail with conditions that he shall leave the district, as undertaken and shall provide all the address/police station, where he shall appear every fortnight for six months.

7. Upon return to Chakiya, he shall be reporting the concerned police station every fortnight for next six months. The certificate of his stay for the next six months shall be submitted along with the bail bond itself before the Trial Court .

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial magistrate 1<sup>st</sup> Class, East Champaran, Mothihari in connection with Chakiya P.S. Case No. 189 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/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and 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 or his place of stay for next six months every fortnight. Upon return, he shall appear before Chakiya Police Station every fortnight for the next six months.

(iv) the petitioner shall in no 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 his bail bonds.

**(Rajiv Roy, J)**

Vijay Singh/-

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