

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1005 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- PASRAHA District- Khagaria

Vikram Kumar S/o - Pankaj Kumar Mandal @ Pankaj Mandal R/o Vill.-
Bariyarpur,(Paria Tola),P.S.- Bariyarpur,Dist.-Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Pasraha P.S. Case No. 189 of 2023, lodged on 13.07.2023 under
Sections 399, 402, 307, 353, 34 of the Indian Penal Code read
with sections 25(1-b)a/26/27/35 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against three named accused persons including the
present petitioner. The petitioner was caught by the police on
12.07.2023 and one *desi* pistol, one live cartridge and one
mobile phone has been recovered from his possession.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the antecedent of the petitioner is clean and he



is in custody since 25.07.2023. Counsel further submits that from the contents of the FIR, it becomes crystal clear that the petitioner was apprehended on 12.07.2023 and the FIR was lodged on 13.07.2023. Seizure list has also been prepared on 12.07.2023, but from the order passed by the Sessions Court, it transpires that the present petitioner is in custody since 25.07.2023.

5. Learned counsel for the petitioner further submits that the police has offered him to be the witness in this case, but upon refusal, the police apprehended him on 12.07.2023 and sent to jail.

6. Learned APP for the State is not in a position to explain the situation that under what circumstances the person has been apprehended by the police on 12.07.2023 and the FIR lodged on 13.07.2023. But the petitioner was remanded in judicial custody on 25.07.2023.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Pasraha P.S. Case No. 189 of 2023,



subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member 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 and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

8. The Trial Court is directed to issue show cause to the S.H.O. and I.O. of this case explaining the situation that under what circumstances the FIR has been lodged on 13.07.2023, but the accused was remanded in judicial custody



on 25.07.2023, whereas, as per the FIR, he was apprehended on 12.07.2023 itself. If, it has been found by the Trial Court that it is the correct position, then the matter be referred to the Superintendent of Police to take action against those police officials.

(Dr. Anshuman, J.)

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