

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6422 of 2025

Arising Out of PS. Case No.-484 Year-2024 Thana- BIDUPUR District- Vaishali

Vikash Sharma @ Vikash Kumar S/o Late Radhey Sharma R/o Village-
Dilawarpur Govardhan, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Bidupur PS Case No. 484 of 2024 instituted for the offence punishable under Sections 310(4) & 310(5) of the BNS 2023 and Sections 25(1-AA), 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, two live cartridges and two country made pistols were recovered from the possession of the co-accused, namely, Rohit Kumar when they were assembled under the Railway over bridge to commit crime. It is further alleged that apprehended co-accused Rohit Kumar disclosed the name of petitioner as one of the persons who managed to run away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that petitioner has been made accused only on the basis of confessional statement of co-accused Rohit Kumar who apprehended at the spot. It is further submitted that nothing has been recovered from the conscious possession of the petitioner or from the house of the petitioner rather the two country made pistols and two live cartridges were recovered from the possession of co-accused Rohit Kumar. Further submission is that due to criminal antecedents of the petitioner, his anticipatory bail application was rejected by the learned Court below. Lastly, it has been submitted that the four criminal cases are pending against the petitioner, out of which, in three of the cases, he is on bail whereas, in one of the cases i. e. Rajeev Nagar (Patna) PS Case No. 32 of 2022, he has been acquitted.

5. Learned APP has opposed the prayer for anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



CJM Vaishali at Hajipur, in Bidupur PS Case No. 484 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS every fortnightly for the next six months.

7. The application stands allowed.

(Khatim Reza, J)

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