

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29032 of 2025

Arising Out of PS. Case No.-107 Year-2024 Thana- MATIHANI District- Begusarai

Vickky Kumar @ Kundan Rai @ Kunal Rai @ Kundan Kumar S/o Sanjay
Mahto R/o vill - Simariya Ghat, Bind Toli, P.S.- Chakiya, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-08-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Matihani P.S. Case No. 107 of 2024 instituted for the offences
under Sections 25(1-b)(a), 26 and 35 of the Arms Act.

3. As per prosecution case, the police has recovered
one country-made pistol, one fired cartridge and one live
cartridge from the possession of the co-accused persons. The
petitioner is alleged to be fled away from the place of
occurrence.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner was not arrested from the place of occurrence and his name has surfaced in this case on the basis of the disclosures made by the arrested co-accused persons. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. The petitioner has no concern with the seized arms. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has altogether 21 criminal antecedents and is languishing in judicial custody since 28.01.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has 21 criminal antecedents.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Matihani P.S. Case No. 107 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) The petitioner will not leave the territorial jurisdiction of the learned court below without its prior permission.

(Rudra Prakash Mishra, J)

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