

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43500 of 2025

Arising Out of PS. Case No.-4 Year-2023 Thana- CHEWARA District- Sheikhpura

Vivek Kumar @ Vivek Raj @ Vivek Yadav Son of Jai Shankar Prasad @ Jai Shankar Yadav @ Jay shankar Prasad village- House No. 68, Mohalla Indaypar, P.S. -Sheikhpura, District -Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Roop Kishan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Chewara P.S. Case No. 4 of 2023 registered for the offences under Sections 25(1-b)a, 26(1) and 27 of the Arms Act.

3. As per prosecution case, the informant *chowkidar* received information about three motorcycle borne miscreants opening fire on a '*dharamkanta*'. From search of the place of occurrence, 4 spent cartridges and 1 live cartridge were recovered. During investigation the name of the petitioner surfaced as one of the accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. Petitioner has not been apprehended from the spot. Nothing incriminating has been recovered from his person or possession. The name of the petitioner came in this case when the statement of one Roushan Kumar, manager of weighbridge was recorded in which the witness disclosed the name of the petitioner and other miscreants. Statement recorded before the police after four months is not believable. The petitioner does not carry any firearm. Other co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 22.09.2023 passed in Cr. Misc. No. 62781 of 2023, order dated 10.11.2023 passed in Cr. Misc. No. 64603 of 2023, order dated 19.01.2024 passed in Cr. Misc. No. 64514 of 2023 and order dated 06.03.2024 passed in Cr. Misc. No. 12331 of 2024. Petitioner is in custody since 30.04.2025 and charge-sheet has been submitted. Petitioner is having antecedent of three cases but he is on bail in all the cases.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and no



recovery has been shown from the petitioner and also considering the period of custody of the petitioner as well as submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sheikhpura/concerned court in connection with Chewara P.S. Case No. 04 of 2023, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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