

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88131 of 2025

Arising Out of PS. Case No.-958 Year-2016 Thana- BIHTA District- Patna

Vikash Kumar Son of Late Raj Nath Rai @ Rajnath Yadav Resident of
Navdihan @ Navdiha, P.S. - Naubatpur, Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bihta
P.S. Case No. 958/2016 registered for the offences punishable
under Sections 399, 402, 414 of the Indian Penal Code and
Sections 25(1-b)(A)/ 26/ 35 of the Arms Act.

3. As per prosecution case, the informant got secret
information that a group of 8-10 persons was found in two
Bolero vehicles in a suspicious condition. The informant along
with police officials apprehended two persons namely Sunil
Kumar @ Suraj Kumar and Tinku Kumar @ Vivek Kumar and
they disclosed the name of the accused persons who fled away
from the place of occurrence along with another Bolero vehicle
and the petitioner is one among them. From the possession of



apprehended co-accused Sunil Kumar @ Suraj Kumar, one country made pistol along with one live cartridge was recovered and from another co-accused Tinku Kumar @ Vivek Kumar, one country made pistol along with one live cartridge and one Bolero vehicle were also recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He orally submits that there are several persons in the village of the petitioner named Vikash Kumar, so, the petitioner has not been informed whether the present case is pending against the petitioner and on account of said reason the petitioner has not approached the court and the case is pending since 2016. The police has arrested the petitioner in the year 2025 though the occurrence took place on 2016 and the petitioner had no knowledge regarding the present case which is pending against him. He further submits that except disclosure of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner in the alleged occurrence. No incriminating article has been recovered from the conscious possession or the house of the petitioner. He orally submits that the petitioner is not owner of any of the vehicles either seized or escaped from the place of occurrence. The petitioner is



languishing in custody since 19.08.2025 and bears one criminal antecedent in which he is on bail. In the light of aforesaid facts and circumstances of the case, no offence is made out against the petitioner under the aforesaid Sections. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner is FIR named accused and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IInd, Danapur in connection with Bihta P.S. Case No. 958/2016, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every dates and if he fails to do so without without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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