

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72941 of 2018

Arising Out of PS. Case No.-241 Year-2015 Thana- BHAGWANPUR District- Begusarai

Dheeraj Kumar, son of Suresh Singh, r/o village Mokhtiyarpur, P.S.
Bhagawanpur, Distt. Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar -2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-12-2018 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Bhagawanpur P.S. Case
No. 241 of 2015 instituted for the offence under Sections
25(1B) (a), 26 and 35 of Arms Act.

Counsel for the petitioner submits that petitioner was
earlier granted anticipatory bail by coordinate Bench of this
Court vide order dated 23.5.2016 passed in Cr. Misc. 15944 of
2016 with observation that at the time of furnishing bail bond
the court below will verify and assure itself regarding criminal
antecedent of the petitioner. If the petitioner is having clean
antecedent then his bail bond would be accepted, otherwise he
would be taken into custody. Counsel for the petitioner further
submits that during investigation, one case was found pending
against the petitioner and, thereafter, his bail bond was



cancelled and he was taken into custody on 13.9.2018.

Counsel for the petitioner further submits that there is no recovery of any incriminating article from possession of the petitioner.

From the impugned order it appears that firearm has been recovered from co-accused Anupam Kumar who was apprehended by the police.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Teghara, Begusarai, Distt. Darbhanga, in connection with Bhagawanpur P.S. Case No. 241 of 2015, subject to the condition that both the bailors will be the close relatives of the petitioner with further conditions which are as follows:

(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will be liable to be cancelled and (iii) if petitioner tampers with the evidence or the witnesses of the



case, in that event, prosecution will be at liberty to move for
cancellation of bail of the petitioner.

(Sanjay Priya, J)

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