

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7307 of 2019

Arising Out of PS. Case No.-1073 Year-2018 Thana- SAHARSA District- Saharsa

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AMIT KUMAR, Aged about 28 years (M) Son of Kusum Lal Kamat Resident
of Village - Ward no 26, supaul, P.S.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 25-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Saharsa P.S. Case No. 1073 of 2018** registered for the offence punishable under Sections 399, 402, 413 and 414 of the Indian Penal Code and under Section 25(1-b)a, 26 and 35 of the Arms Act.

Allegation is of recovery of one pistol and two live cartridges from the possession of petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to dirty politics. Nothing has been recovered from his possession. Petitioner has got no criminal antecedent and is in custody since 28.09.2018.

Considering the nature of allegation and custody period



of the petitioner, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner named above be released on bail **after completing six months of jail custody by the court below** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Saharsa**, in connection with **Saharsa P.S. Case No. 1073 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that



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

(S. Kumar, J)

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