

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22977 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- BELCHHI District- Patna

ANIL KUMAR, aged about 28 years, Male, Son of Raja Ram Yadav Resident
of Village - Ambedkar Nagar, P.S.- Harnaut, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
05.02.2019 in connection with Belchi P.S.Case No.06 of 2019
for the offence alleged under Sections 25(1-b)a/26 and 35 of the
Arms Act.

The prosecution case as lodged by the police
personnel is that on secret information that some persons in a
Scorpio vehicle are planning to commit crime, the police
personnel started vehicle checking and four persons sitting in
the Scorpio vehicle tried to flee away but one Ghanshyam
Kumar was apprehended who revealed the name of the
petitioner and two others. On search from the Scorpio vehicle,
51 live cartridges were recovered and a leather cover of a pistol



was also recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, was not apprehended and the Scorpio vehicle did not belong to him. He submits that nothing has been recovered from his conscious possession and the petitioner is an accused in Harnaut P.S. Case No.81 of 2014 under Section 307 of the Indian Penal Code in which he is on bail and apart from that he does not bear any criminal antecedent with regard to similar offence. Chargesheet has already been submitted there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the materials on record as also the fact that chargesheet has already been submitted, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Belchi P.S. Case No.6 of 2019 to the satisfaction of learned Sub Divisional Judicial Magistrate, Barh, Patna, subject to the following conditions:-

- (i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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