

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64833 of 2019

Arising Out of PS. Case No.-139 Year-2019 Thana- RAJPUR District- Buxar

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Nirmal Pathak, male, aged about 61 years old, Son of Late Bashishth Muni
Pathak Resident of Village - Gaidhara, P.S.- Rajpur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5. 20-11-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Rajpur P.S. Case No. 139
of 2019 registered for the offence under Sections 25(1-b)a, 26,
35 of the Arms Act.

As per F.I.R., the police found one loaded country-
made '*Katta*' and two cartridges of .315 bore were recovered,
which were said to have concealed by the petitioner under his
bed.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. There
is no recovery from the conscious possession of the petitioner.
He submits that in the case, chargesheet has also been submitted
and as such, there is no chance of tampering with the evidence.
The petitioner is in custody since 25.06.2019 and he has got no
criminal antecedent.



Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged 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 C.J.M., Buxar in connection with Rajpur P.S. Case No. 139 of 2019 on the following conditions:

(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) 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.

(Prabhat Kumar Singh, J.)

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