

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13430 of 2021**

Arising Out of PS. Case No.-347 Year-2019 Thana- BIHARIGANJ District- Madhepura

PINTU KUMAR Son of Balram Prasad singh @ Balram Singh Resident of
Village - Mahdipur Basa Kubram @ Kurban, P.S. - Beldour, District -
Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh, Adv.
For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of
normal court proceeding. In the eventuality of non-removal of
defects within undertaken period, the office will place the
matter before the Bench.

The petitioner seeks bail in connection with Bihariganj
P.S. Case No.347 of 2019 registered for the offence
punishable under Sections 399, 402 of the Indian Penal Code
and sections 25(1-b)a, 26, 35 of the Arms Act.

The prosecution case in short is that on information that



some miscreants assembled in the house of Dholan Prasad Yadav, are planning to commit a crime, police reached there and apprehended three accused persons including the petitioner and two fled away. From the possession of the petitioner one loaded country made pistol, five live cartridges, a mobile set and a motorcycle have been recovered.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case by the police. There is no independent witness to the seizure list. No incriminating article has been recovered from the conscious physical possession of the petitioner. Similarly situated co-accused namely Chanardeo Kumar @ Chandradeo Kumar has been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No.15201 of 2020 dated 03.03.2020 and this petitioner stands on similar footing. The petitioner has one criminal antecedent and has been languishing in custody since 18.11.2019, as such, he may be enlarged on bail.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case and the custody which is more than one and half year, the



above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Uda-Kishunganj, Madhepura, in connection with Bihariganj P.S. Case No.347 of 2019, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.



(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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