

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15007 of 2021**

Arising Out of PS. Case No.-618 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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AMARJEET KUMAR @ GENA S/o- CHANDRIKA SAH, Resident of
Village- Chhapra Manorath, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Madhuranand Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 10-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 399/402 of the Indian Penal
Code and 25 (1-b)a/26/35 of the Arms Act.

Allegation against the petitioner alongwith other
accused persons is said to have recovered from the conscious
possession of illegal magazines and arms with intention to
commit offence.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner had apprehended at the place of occurrence and police had recovered three empty magazines of pistol from the conscious possession of the petitioner. The petitioner is languishing in judicial custody since 07.10.2020. The petitioner has got 02 criminal antecedents which is mentioned in para 3 of the bail petition. The similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 02.07.2021 passed in Cr. Misc. No.14124/2021.

Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

Considering the custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Kanti P.S. Case No. 618/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving



genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated 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 proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as 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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