

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22458 of 2021

Arising Out of PS. Case No.-428 Year-2020 Thana- NAANPUR District- Sitamarhi

ABHISHEK KUMAR @ MUKESH @ MUSKAN Son of Dharmendra
Pandey @ Dhavendra Pandey Resident of Village- Baghari, Ward No.11,
Police Station- Runnisaidpur, District- Sitamarhi, Bihar- 843323

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Nandan Thakur, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in connection with
Nanpur P.S. Case No. 428 of 2020 registered for the offence
under Sections 399, 402 and 414 of the IPC and Sections 25(i-
b)A, 26 and 35 of the Arms Act.

On secret information, the police raided the spot and
recovered some arms and ammunition from the possession of
the accused persons.

Learned counsel for the petitioner submits that the
petitioner has committed no offence and he has falsely been
implicated in this case. He further submits that the petitioner is
aged about 20 years and he passed Intermediate Examination.



He further submits that petitioner has got no criminal antecedent and he is in custody since 15.10.2020. It is further submitted that only two cartridges have been recovered from the possession of the petitioner. He further submits that similarly situated co-accused, namely, Rohit Kumar has already been granted regular bail by a coordinate Bench of this Court in Cr.Misc.No.21128 of 2021 dated 12.08.2021.

However, learned APP for the State vehemently opposed the prayer for regular bail.

In the facts and circumstances of the case, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Nanpur P.S. Case No. 428 of 2020/G.R. No.1525 of 2020 with following conditions:-

(a) that such person shall attend in accordance with conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly



make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further conditions that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

brajesh kumar/-

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