

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22398 of 2021**

Arising Out of PS. Case No.-291 Year-2020 Thana- GAYA MUFASIL District- Gaya

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ROHIT KUMAR @ MOHAN Son of Rambachan Gupta Resident of Mohalla
- Manpur (Teli tola), P.S.- Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Adv.

For the Opposite Party/s : Mr. A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

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

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Muffasil P.S. Case No. 291 of 2020 for the offence under
Sections 392 and 402 of the Indian Penal Code and Section
25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one country made
pistol with live cartridge and one mobile.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has not
committed any offence. In fact, nothing has been recovered
from the conscious possession of the petitioner. Moreover,
the co-accused, namely, Manish Kumar, having more or less



similar allegation has already been granted regular bail by a co-ordinate Bench of this Court vide order dated 13.04.2021 passed in Cr. Misc. No. 5739 of 2021 and the case of this petitioner stands on similar footing. The petitioner is rotting in judicial custody since 10.08.2020. Hence, the petitioner may be enlarged on regular bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner. He submits that one loaded country made pistol has been recovered from the exclusive possession of the petitioner which is evident from the seizure list itself.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 291 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rajesh Kumar Verma, J)

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