

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23130 of 2021

Arising Out of PS. Case No.-221 Year-2020 Thana- KOTWALI District- Patna

=====

Mukesh Kumar @ Babloo Kumar, aged about 30 years, male, Son of Late Jawahar Ram, Resident of Punpun Bandhpar, P.S. Punpun, District Patna, presently residing at Rupaspur Bhattha (Renter in house of Virin Singh), P.S. Rupaspur, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. H.A. Khan, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2021 Heard both sides through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within three 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 a case registered for the offence punishable under Sections 399, 400, 402 and 414 of the Indian Penal Code as well as under Sections 25(1-b)a, 26, 35 of the Arms Act.

The prosecution case, in brief, is that on secret information, the police reached at the spot and caught four miscreants. From conscious possession of the petitioner, one



pistol and six live cartridges were recovered.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. There is general and omnibus allegation against the petitioner. The police is said to have recovered one pistol and six live cartridges from conscious possession of the petitioner. It is further submitted that similarly situated co-accused persons have already been granted bail by different co-ordinate Benches of this Court and prayer for bail of one similarly situated co-accused has also been rejected by a co-ordinate Bench. The petitioner is in custody since 10.05.2020 and he has got nine criminal antecedents as stated in para 3 of the bail petition.

Considering the fact that similarly situated co-accused persons have been granted bail by different co-ordinate Benches of this Court, let 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 to the satisfaction of the learned court below/successor court where the case is pending in connection with Kotwali P.S. Case No.221 of 2020, subject to the conditions:

(1) That one of the bailors will be a close relative of the petitioner, who will give 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 required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) That the petitioner shall appear before the concerned police station once in a month till conclusion of trial.

(Anjani Kumar Sharan, J)

S.KUMAR/-

U		T	
---	--	---	--

