

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31710 of 2021

Arising Out of PS. Case No.-192 Year-2020 Thana- MOKAMAH District- Patna

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Rajesh Kumar Son of Kapil Ram Resident of Village - Dhaurani Tola, in front
of Kali Ashthan, Ward No. 21, P.S.- Mokama, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr.Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 26-08-2021 At the outset, counsel for the petitioner submits that due to inadvertence, the offence under Sections 25(1-B)/26/35 of the Arms Act has not been incorporated in paragraph – 1 of the bail petition and as such, he requests to make correction in paragraph – 1 of the bail petition.

Permission is accorded. It may be done within a period of four weeks from today.

Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Mokama P.S. Case No. 192 of 2020, registered for the offence under Section 414, 34 of the Indian Penal Code and Sections 25(1-B)/26/35 of the Arms Act.



As per F.I.R., one country-made pistol loaded with . 315 bore cartridges and one Lava Company Mobile have been recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case by the Police and no incriminating article has been recovered from the possession of the petitioner. Petitioner has no criminal antecedent and he is in custody since 20.09.2020. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as period of custody, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned A.C.J.M. - IIInd, Barh, Patna in connection with Mokama P.S. Case No. 192 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.



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

(Prabhat Kumar Singh, J.)

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