

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26317 of 2020

Arising Out of PS. Case No.-433 Year-2019 Thana- JAKKANPUR District- Patna

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Anuj Kumar @ Tuktuk @ Chotu, aged about years, S/o Nagendra Singh
Resident of Village- Sukhnandanchak, P.S.- Jehanabad (Karauna O.P.),
District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

12 25-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

At the outset, learned counsel for petitioner submits that
due to inadvertence the details of the Court, to the satisfaction of
which, the bail bond is to be furnished has wrongly been
mentioned as "ADJ IX, Patna". He submits that the case is
actually pending before the learned ACJM-1st Patna.

In view of such submissions, this Court would observe
that "ADJ IX, Patna" in prayer portion of the bail petition be



read as “ACJM-1st Patna”.

The petitioner seeks bail in Jakkanpur PS Case No. 433 of 2019, instituted for the offence under Section 25(1-B)a/26 of the Arms Act.

Since 13.07.2019 the submission is that the petitioner has been in custody. The allegation is that the petitioner has been caught and from his possession one loaded country made pistol and one live cartridge and mobile phone etc., have been recovered.

Petitioner’s counsel submits that the recovery is not in accordance with law. It is a case of false implication due to his criminal antecedents in four cases, namely, *Ramkrishna Nagar* P. S. Case No. 81 of 2019, 185 of 2019, 467 of 2019 and *Kankarbagh* P. S. Case No. 275 of 2019. He is on bail in all the four cases.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner’s counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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 the learned ACJM-1st, Patna in connection with Jakkanpur P. S. Case No. 433 of 2019, subject to the following conditions:-

(i) 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. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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