

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34548 of 2021

Arising Out of PS. Case No.-385 Year-2020 Thana- ALOULI District- Khagaria

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Raja Kumar Son of Bhupen Yadav Resident of Village- Belbara, P.S.- Kanaria
(O.P.), Dist- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-12-2021 Supplementary affidavit has been filed on behalf of
the petitioner.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Alauli P.S.
Case No. 385 of 2020 registered for the offences punishable
under Sections 25(1-b)a, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. It is further submitted that it
appears from the F.I.R. itself that one country made pistol has



been recovered from the possession of the petitioner. He further submits that so far as the motorcycle is concerned, the motorcycle is belonging to brother-in-law of the co-accused namely Shankar Sada.

Learned counsel for the petitioner further submits that co-accused Shankar Sada has been granted bail by a co-ordinate Bench of this Court vide order dated 16.09.2021 passed in Cr. Misc. No. 36551 of 2021. Petitioner is in custody since 17.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Judicial Magistrate, 1st Class, Khagaria in connection with Alauli P.S. Case No. 385 of 2020, subject to the following conditions:-

1. 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 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.

3. And further condition 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)

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