

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36868 of 2021**

Arising Out of PS. Case No.-285 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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BADAL KUMAR SINGH Son of Santosh Kumar Singh Resident of Village -
Sain Ram Rai Tola, P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Ms. Sucheta Yadav, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 28-07-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Sucheta
Yadav, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Kanti P.S. Case No. 285 of 2020 for the offences
registered under Section 401 of the Indian Penal Code & 25(1-b) a,
26/35 of the Arms Act.

Learned counsel for the petitioner submits that as per the
prosecution story the informant on secret information raided the
given place and apprehended two persons. One of them is the
petitioner. On search, police recovered one country-made pistol and
five live cartridges from possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered from his conscious possession. The petitioner is in custody since 24.5.2020.

Learned APP for the State has though opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, the submission being that while rejecting the prayer for bail of the petitioner in Cr. Misc No. 34073 of 2020 on 29.1.2020 this Court had granted liberty to this petitioner to renew his prayer for bail after completion of one year of custody. In connection with this case the petitioner is in custody for one year two months now, he has been granted bail in two other cases against him, the trial has not progressed, this Court directs release of the petitioner above-named on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II (West); Muzaffarpur in connection with Kanti P.S. Case No. 285 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.