

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38326 of 2021**

Arising Out of PS. Case No.-283 Year-2021 Thana- KHAGARIA District- Khagaria

DEEPAK KUMAR Son of Kameshwar Yadav Resident of Village- Haripur
Bishanpur, Ward No.08, P.S.- Hassanpur, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shaishav Kumar, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-12-2021 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 Khagaria (Muffasil) P.S. Case No. 283 of 2021 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

Petitioner and one co-accused are said to have been arrested by the police and from possession of petitioner, one country made pistol was recovered. One motorcycle was also seized by the police.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. It is further submitted that as per FIR, only one country made pistol has been recovered from possession of the petitioner. It is further submitted that police after investigation has submitted charge sheet in the present case. Petitioner is in custody since 30.03.2021.

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 Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 283 of 2021, 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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