

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45595 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- MANSI District- Khagaria

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BIPUL KUMAR Son of Subhash Yadav Resident of Village- Saidpur, P.S.-
Mansi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.
For the Opposite Party/s : Mr.Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Mansi

P.S. Case No. 37 of 2021 registered for the offence under

Sections 37(c) of the Bihar Prohibition and Excise Act and

Section 25(1-b)a and 26 of the Arms Act.

The petitioner along with another co-accused are

said to be apprehended by the police in drunken condition

and on search thereof, two live cartridges and a mobile along

with a motorcycle bearing registration No. BR-09AC-6174



has been recovered.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery of motorcycle is not a stolen article as it belongs to brother-in-law of the petitioner, namely, Bipin Kumar. A registration certificate of the vehicle in question issued in favour of Bipin Kumar is annexed as Anneuxre-2. The petitioner is rotting in judicial custody since 07.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is having one more case other than the present one.

Considering the facts and circumstances of the case, 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 Special Judge (Excise), Khagaria in connection with Mansi P.S. Case No. 37 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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