

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49065 of 2021

Arising Out of PS. Case No.-39 Year-2021 Thana- DARPA District- East Champaran

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Bittu Singh @ Bittu Kumar Singh Son of Bipin Singh @ Vipin Singh
Resident of Village - Bhaluwahiya, P.S.- Adapur, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-12-2021 Let the defects, if any, be removed within four weeks of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Darpa P. S Case No.39 of 2021 for the offences punishable under Section 399, 402, 413, 414 of the Indian Penal Code and 25(1-B) a,26,35 of the Arms Act..

According to the prosecution case, On Gasti police personnel got information that some miscreants were assembled in Orchard at village Dubaha. After seeing police party they were tried to fled away but with the help of villagers they were apprehended.

Learned counsel for the petitioner submits that, It



appears from the F.I.R that one loaded country made katta and one cartridge have been recovered from possession of the petitioner. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case due to high handedness of police. He is in jail custody since 02.04.2021.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that except this case, petitioner is having one cases, which manifests in Paragraph-3 of the petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Raxaul at Motihari in connection with Darpa P.S.Case No. 39 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioner tamper 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 their 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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