

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49055 of 2021

Arising Out of PS. Case No.-412 Year-2021 Thana- MADHEPURA District- Madhepura

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DEVRAJ KUMAR Son of Jawahar Yadav Resident of Village - Sahugarh,
Dulha Ram Tola, Ward No.8, P.S.- Madhepura, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-12-2021 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 Madhepura P.S. Case No. 412 of 2021, registered for the offences punishable under Sections 25(1-B)a, 26/35 of the Arms Act.

According to prosecution case, on vehicle cheking, police personnel recovered one pistol have 315 bore live cartridge from a motorcycle bearing Reg. No. BR-43F-3901, which is belonging to the petitioner.

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. He further submits that nothing has been recovered from the possession of the petitioner. Learned counsel further submits that from perusal of F.I.R. itself, it appears that there is planned story of the police. Petitioner is in custody since 27.05.2021.

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, Madhepura in connection with Madhepura P.S. Case No. 412 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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