

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2142 of 2021

Arising Out of PS. Case No.-564 Year-2020 Thana- AHİYAPUR District- Muzaffarpur

Kamlesh Kumar, Son Of Bijili Ray, Resident Of Village- Lahsoorka, P.S.-
Tariyani Chhapra, Dist- Sheohar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in connection with Ahiyapur P.S. Case No.564 of 2020 registered for the offences punishable under Sections 25(1-b)a/26/35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing has been recovered from the possession of the petitioner and he has been dragged in this case merely on suspicion. He submits that there is no compliance of Section 100 Cr.P.C. while preparing the seizure list.



It is submitted that the petitioner has no criminal antecedent and he has remained in jail in connection with the present case since 02.07.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the allegation against the petitioner is that he was apprehended by police and from his possession one loaded country made pistol and one live cartridge has been recovered, however, it is the submission of learned counsel for the petitioner that the petitioner has no criminal antecedent, he has remained in jail in connection with the present case since 02.07.2020, investigation against him is complete and at this stage if released on bail he would abide by the terms and conditions which may be imposed by this Court, there being no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I, Muzaffarpur in connection with Ahiyapur P.S. Case No.564 of 2020, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

(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'.

