

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8881 of 2021**

Arising Out of PS. Case No.-279 Year-2020 Thana- KADAMKUAN District- Patna

ADARSH KUMAR S/O ASHOKA KUMAR SINGH R/O AURAIYA, P.S.-
SHIV SHIV SAGAR, DISTRICT-ROHTAS AT PRESENT C/O PANKAJ
SINGH (ADVOCATE), MAHENDRU, PATNA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-05-2021 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 Kadamkuan P.S. Case No. 279 of 2020
registered for the offences punishable under Sections 25(1-b)a,
26, 27 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the
informant raided the place of occurrence on getting information
regarding celebratory firing being made by the persons present
in the birth day party of Ankit Sinha @ shra and recovered arms
and ammunitions and also recovered illicit liquors. The



informant apprehended the accused persons including the petitioner from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that arms have been recovered from the house of one Late Sunil Kumar Sinha and not from the house of the petitioner. Learned counsel submits that co-accused Akash Kumar and Aman Kumar have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 34552 of 2020 and Cr. Misc. No. 34500 of 2020. It is submitted that the petitioner is in custody since 03.07.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that the recovery of fire arms has been made from the house of one Late Sunil Kumar Sinha and not from the house of the petitioner, the submission of the petitioner has not been controverted by learned A.P.P. for the State and further submission that co-accused Akash Kumar and Aman Kumar have been granted bail by a learned co-ordinate Benches of this



Court in Cr. Misc. No. 34552 of 2020 and in Cr. Misc. No. 34500 of 2020, so far as this petitioner is concerned, he has got no criminal antecedent and has remained in jail in connection with the present case since 03.07.2020, investigation against him is complete, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XII, Patna in connection with Kadamkuan P.S. Case No. 279 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/rajeev

U		T	
---	--	---	--

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'.

