

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17000 of 2021**

Arising Out of PS. Case No.-238 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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Kundan Kumar @ Nepali Roy Son of Awadhesh Roy @ Awadhesh Mahto
Resident of Village - Chauri ward no. 29, P.S.- Town, district - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Kumar Singh
For the Opposite Party/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 26-03-2021 Heard both parties.

The petitioner seeks bail in S. Kamal PS Case No. 238 of 2019, registered for the offence punishable under Sections 399/402 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act.

On secret information that some miscreants have assembled near orchard of Naga Singh with arms and ammunitions with a view to commit *dacoity*, raid was conducted. This petitioner along with other accused persons apprehended on the spot and upon search, one loaded country made pistol and mobile has been recovered from possession of this petitioner.

It is submitted that nothing has been recovered from possession of this petitioner and he has been falsely implicated



in this case. Petitioner is daily wage labour and he is in custody since 29.07.2019. Chargesheet has already been submitted.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged 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 Judicial Magistrate Ist Class, Begusarai in connection with S. Kamal P.S. Case No. 238 of 2019, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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