

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2397 of 2022

Arising Out of PS. Case No.-42 Year-2020 Thana- PHULWARIA District- Begusarai

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KUNAL KUMAR @ KULKUL Son of Ram Prakash Singh Resident of
Village Madhurapur, Purwari Tola, Suraj Nagar, Ward No.12, P.S.- Phulwaria,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mirtyunjay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Anil Kumar , APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for

the offence under Sections 25(1-b)a, 26 and 35 of the Arms

Act.

The case relates to recovery of one country made

pistol along with two live cartridges.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. He further submits that according to



the F.I.R and seizure list, one loaded country made pistol along with two live cartridges are said to have been recovered from the possession of the petitioner but, as a matter of fact, nothing has been recovered from the conscious possession of the petitioner. He further submits that procedures of Section 100 of the Cr.P.C. have not been followed. The petitioner is rotting in judicial custody since 19.03.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Phulwaria P.S. Case No. 42 of 2020 with 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled 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.

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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