

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2685 of 2022**

Arising Out of PS. Case No.-268 Year-2021 Thana- DHURAIYA District- Banka

RAJA KUMAR Son of Gopal Sah Resident of Village- Ghasiya, Police
Station- Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda,Adv

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 18-05-2022 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 learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 25(1-b)A/26/35 of Arms Act
and Section 414 of the IPC.

The present case was registered on the basis of written
report, given by one Maheshwar Prasad Rai alleged that on
secret information at last night namely Raja Kumar fired a gun
shot upon Jitu Kuimar but bullet not hitted him and he flew
away saving his life from there. Thereafter, accused namely,
Raja Kumar and co accused person took a Maruti Alto Car that



was stolen in which he always carried liquor from Godda to Bhagalpur. They were arrested with country made pistol and bullet.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one country made pistol and two live cartridges and one empty cartridge has been recovered from conscious possession of the petitioner and the petitioner has no concern with the said Maruit Alto Car. He further submits that one of the accused namely, Santosh Kumar has been granted bail by the learned court below itself vide order dated 24.12.2021 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.10.2021.

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

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Dhoraiya P.S. Case



No.268 of 2021, 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 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.

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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