

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6242 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- BARHAT District- Jamui

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UMESH KODA, SON OF DEVI KODA R/O VILLAGE- CHORMARA,
P.S.- BARHAT, DIST.- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Barhat
P.S. Case No. 87 of 2021, registered for the offences
punishable under Sections 25 (1-b)a, 26 and 35 of the Arms
Act and Sections 16, 17, 18, 20, 21 and 22 of U.A.P. Act.

As per allegation, on a secret information that
some persons are assembled to commit crime, the police
conducted a raid at the place. Further allegation is that on
seeing the police party, four persons fled away, but the
petitioner was apprehended on the spot, from whose
possession, some incriminating articles were recovered.



The learned counsel for the petitioner submits that the petitioner is innocent and falsely implicated in this case. He further submits that there is no ingredient of offence punishable under any Section of the UAP Act. At best, as per the version of the police, they may have committed offence of illegal possession of arms. It has further been submitted that the seizure has not been made as per the provisions prescribed in the Cr.P.C.

The petitioner is in jail since 05.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Court of Sri M.K. Pandey, J.M. 1st Class, Jamui in connection with Barhat P.S. Case No. 87 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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