

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5468 of 2022

Arising Out of PS. Case No.-435 Year-2021 Thana- ARA NAWADA District- Bhojpur

Mohit Kumar S/o Santosh Kumar Sah @ Santosh Sah R/o Village - Kaura,
P.S. - Jagdishpur, District - Bhojpur, At/p Karman Tola, P.S.- Ara Nawada,
Dist. - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel for the petitioner and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Ara Nawada P. S. Case No. 435 of 2021 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Section 25 (1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that the



Police, on a secret information, raided the spot and on seeing the Police party all the accused persons including this petitioner were trying to flee away but they were apprehended. On search being made, one country-made pistol and two live cartridges have been recovered from the possession of this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of the petitioner rather the recovery has been made from other place and the name of the petitioner has been implicated in the present case and recovery has been shown from his possession. It is further alleged that this petitioner is in custody since 22.04.2021 and moreover, the investigation is completed and the charge-sheet has been submitted. It is next submitted that the seizure list has been prepared after institution of the F.I.R.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was arrested at the spot, while he was making plan to commit a crime along with other accused persons and from the possession of this petitioner one country-made pistol along with two live cartridges have been recovered.

Having considered the submissions made on behalf



of the parties and taking into account the period of custody as also the fact that the investigation is completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate or its successor court, Bhojpur at Ara in connection with Ara Nawada P. S. Case No. 435 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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