

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5509 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- BIRPUR District- Supaul

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Anand Kumar S/o Ashok Yadav @ Ashok Kumar Bhuskulia Resident of
Village- Birpur, Ward No.2 (Marveitta Tola), Basantpur, P.S.- Birpur, District-
Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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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. Pranav Kumar, learned counsel for the
petitioner and Mr. Sunil Kumar Pandey, 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 Birpur P. S. Case No. 236 of 2021
registered for the offences punishable under Sections 414 of the
Indian Penal Code and Section 25 (1-b) read with 26 of the
Arms Act.

As per the prosecution case, it is alleged that on



25.07.2021, while the informant along with the Police personnel were proceeded to investigate Birpur P. S. Case No. 235 of 2021, they saw one person was standing and he has been identified as accused of Birpur P. S. Case No. 235 of 2021. Thereafter, he was apprehended by the Police. On interrogation, he disclosed his name as Anand Kumar (the petitioner) and further on his confession a loaded country-made pistol and one live cartridge along with two mobile phones and cash of Rs. 250/- were recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that two consecutive F.I.Rs have been instituted by the Police in collusion with the informant of Birpur P. S. Case No. 235 of 2021 , It appears that the first F.I.R. has been instituted on 25.07.2021 at about 05:20 P.M whereas the present F.I.R. has been instituted at about 06:30 P.M. and it is submitted that in first case some altercation took place with the informant of the said case and he in collusion with the police personnel apprehended the petitioner and thereafter the recovery of the two mobile phones which are said to have been the mobile phone of one Promod Kumar Yadav (informant of the first case) have been shown to be recovered from the person or possession of this petitioner. It is further submitted that a false



recovery has been shown from the house of the petitioner only because of high-handedness of the Police. It is also submitted that the house from where recovery has been made is a joint family house and exclusively in the name of the father of the petitioner. It is next submitted that this petitioner is a student pursuing Electrical Engineering (Polytechnic) from Buddha Institute of Technology industrial Area, Gaya and he is ready to give undertaking that he will not indulge in any such type of crime in future. It is lastly submitted that this petitioner is in custody since 25.07.2021 and moreover, the investigation of the crime is already concluded and the charge-sheet has been submitted in this case.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner appears to be a habitual offender and from the confession made by this petitioner, recovery has been made from his house and as such, he does not deserve to enlarge on bail.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is aged about 21 years and he is pursuing Electrical Engineering (Polytechnic) from Buddha Institute of Technology industrial



Area, Gaya, and he is ready to give undertaking that he will not indulge in such type of crime in future, apart from that the petitioner is in custody since 25.07.2021, though the investigation is already concluded 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, Supaul in connection with Birpur P. S. Case No. 236 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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