

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9640 of 2022

Arising Out of PS. Case No.-860 Year-2021 Thana- PHULWARISHARIF District- Patna

RAJU KUMAR S/o - Premchand Das R/o Village - Abbulodipur Tola, P.S.-
Janipur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Pandit
For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Janipur P.S. Case No. 860 of 2021 registered for the offences
punishable under Sections 25(1-b)a, 26/35 of the Arms Act.

As per seizure list, there is alleged recovery of one
country made pistol and one live cartridge from the possession
of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 11.10.2021. Petitioner bears no
criminal antecedent. Charge-sheet has already been submitted in
the case and there is no likelihood of tampering the prosecution



evidence. Learned counsel further submits that the petitioner is quite innocent and he has falsely been implicated in the case. As per F.I.R., one country made Katta and one cartridge was recovered from the possession of the petitioner and as a matter of fact, such article was recovered from the tempo nor from the possession of the petitioner. The petitioner is owner of Tempo in question and he was learning day to day with another friend with regard to driving of the tempo.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge-sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., VIII, Patna in connection with Janipur P.S. Case No. 860 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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