

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9306 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- SABAUR District- Bhagalpur

Roshan Kumar Son of Sudama Yadav Resident of Village- Chandehri Sabour,
P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-06-2022 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 offences punishable under Sections 399, 402 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

According to prosecution case, one loaded country made pistol as well as empty bottle of cough syrup and rapper of intoxication tablets, and one mobile phone was recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case only on



the basis of suspicion. He further submits that it appears from the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the conscious possession of the petitioner rather one mobile has been recovered from the possession of the petitioner and there is no case made out against the petitioner under the Arms Act and other sections of the Indian Penal Code. He further submits that co-accused namely Rajesh Kumar @ Rahul has been granted bail by this Court vide order dated 22.01.2022 in Cr. Misc. No. 54889 of 2021 and another co-accused namely Neeraj Kumar @ Bhagarwa @ Bhagarwa Yadav has been granted bail by this Court vide order dated 04.02.2022 in Cr. Misc. No. 44899 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.05.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

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/- (Rupees 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 Sabour P.S. Case No. 132 of 2021, G.R. No. 2057 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

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(Rajesh Kumar Verma, J)

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