

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9633 of 2022

Arising Out of PS. Case No.-489 Year-2018 Thana- BAKHTIYARPUR District- Patna

SHAKTI SINGH SON OF SHIV SHANKAR SINGH R/O VILLAGE-
BUDHARA, P.S.- ATHMALGOLA, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 399 and 402 of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of three country made
pistols along three live cartridges.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case only on the basis of suspicion. He
further submits that the petitioner has been made accused
in this case on the basis of confessional statement of the co-
accused, Dhamiya @ Dharmbir. He further submits that in



fact, nothing has been recovered from the conscious possession of the petitioner nor the petitioner has been arrested from the spot. Save and except the confession of the co-accused, no cogent material has come against the petitioner during course of investigation. No case attracting sections of Arms Act is made out against the petitioner. Moreover, the co-accused, namely, Bittun Kumar @ Anurag Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 07.01.2020 passed in Cr. Misc. No. 85464 of 2021 and another co-accused, Sumit Kumar @ Sumit Paswan has been granted bail by this Court vide order dated 06.01.2022 passed in Cr. Misc. No. 52450 of 2021. The petitioner is rotting in judicial custody since 26.07.2021.

Learned A.P.P. 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, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (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 Bakhtiyarpur P.S. Case No. 489 of 2018 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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 antecedent, 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.

(Rajesh Kumar Verma, J)

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