

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10277 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- AMARPUR District- Banka

PANKAJ KUMAR SAH Son of Late Bahadur Sah Resident of Village-
Madachak, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar,Adv

For the Opposite Party/s : Mr.Zainul Abedin,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-06-2022 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.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 25(1-b)a/26/35 of the Arms Act.

On search, a country made Katta and two live cartridges were recovered from possession of the petitioner.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one country made pistol and two live cartridges have been recovered from possession of the petitioner but in fact nothing has been recovered from possession of the petitioner rather the police has planted the same and shown that the recovery has been made from possession of the petitioner. He further submits that it appears from the seizure list that there is no independent witness of the seizure list and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case 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/- (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 Amarpur P.S. Case No.273 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled 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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