

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10665 of 2022**

Arising Out of PS. Case No.-216 Year-2020 Thana- PIRPAINTI District- Bhagalpur

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BASUKI THAKUR Son of Sudama Thakur Resident of Village- Monhadih,
P.S.- Barari Semopur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Priya Ranjan

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 16-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Pirpainti
(Bokharpur) P.S. Case No. 216 of 2020 registered for the
offence under Sections 399, 402, 34 of the Indian Penal Code
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one loaded country
made pistol along with six live cartridges.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in this case. He
further submits that it appears from the FIR as well as seizure
list that one loaded country made pistol and six live cartridges
have been recovered from the conscious possession of the
petitioner. He further submits that as a matter of fact nothing



incriminating as alleged in the FIR has been recovered from the exclusive possession of the petitioner. He further submits that similarly situated co-accused persons namely Aman Kumar and Madan Kumar have been granted bail by a coordinate Bench of this Court vide order dated 21.09.2021 passed in Cr. Misc. No. 14909 of 2021. He further submits that the trial of the case is not likely to be concluded in near future as the report received from the court below reveals that only a single prosecution witness has been examined in this case as of now and the petitioner is rotting in judicial custody since 31.10.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries twenty four criminal antecedents 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 Session Trial Case No. 77 of 2021 arising out of Pirpanti (Bakharpur) P.S. Case No. 216 of 2020 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.

(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 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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