

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11763 of 2022**

Arising Out of PS. Case No.-57 Year-2021 Thana- CHAUSA District- Madhepura

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ADITYA @ BABLA KUMAR @ ADITYA KUMAR @ BABLA YADAV S/o
Janardan Yadav R/o village- Dhuriya, P.S.- Chousa, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 17.06.2021, seeks
regular bail in connection with Chousa P.S. Case No. 57 of 2021
dated 16.06.2021 registered for offences punishable under
Sections 399, 402 of the Indian Penal Code and Section 25(1-
b)a, 26, 35 of the Arms Act.

As per the allegation made in the FIR, two live
cartridges were recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been
implicated in the present case. It is his specific case that



petitioner was apprehended on the spot merely on suspicion. Petitioner is in custody since 17.06.2021. There is no chance of absconding or tampering and hence petitioner deserves to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Taking into consideration the nature of allegation made in the FIR, there being no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded in near future, without going into the merits of the case, the petitioner, who is in custody since 17.06.2021, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Madhepura in connection with Chousa P.S. Case No. 57 of 2021 dated 16.06.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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