

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11911 of 2022

Arising Out of PS. Case No.-16 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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PRAVEEN KUMAR @ MOGAL SINGH @ PRAVEEN SINGH Son of Late
Arbind Singh Resident of Village - Pahsara, P.S.- Nawkothi, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Adv.
For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Nawkothi
P.S. Case No. 16/2021 registered for the offences punishable
under Sections 25(1-B)a, 26 of the Arms Act.

As per prosecution case, there is alleged recovery of
one country made Katta along with three live cartridges from
the house of the petitioner and the petitioner was not
apprehended from the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner was not apprehended on spot. Nothing has been recovered from conscious possession of the petitioner and seizure list has not been made as per law. He further submits that the petitioner is languishing in custody since 17.12.2021 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, 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 Judicial Magistrate 1st Class, Begusarai, in connection with Nawkothi P.S. Case No. 16/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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