

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12686 of 2022

Arising Out of PS. Case No.-407 Year-2018 Thana- HARNAUT District- Nalanda

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Pramod Kumar, Son of Dikesh Mahto @ Dikesh Prasad Resident of Village-
Porai, P.S.- Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 17-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Harnaut (Kalyan Bigha O.P.) P.S. Case No. 407 of 2021,
registered for the offences punishable under Sections 25(1-
b)a, and 26 of the Arms Act.

As per allegation, on secret information received
by the police that the petitioner was going to his village, the
police proceeded to the village of the petitioner to



arrest him in connection Harnaut P.S. Case No. 27 of 2021. On way, the police personnel saw one motorcycle coming from Harnaut. After seeing the police party, the person plying the said motorcycle, tried to flee away but he fell down and was apprehended by the Police. One country made loaded pistol and a motorcycle bearing Registration No. BR21X-9581 were also recovered from his possession.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that there is no search and seizure list of recovered arms allegedly recovered from the petitioner. He also submits that the petitioner has been languishing in jail since 07.09.2021 i.e. for more than eleven months and the maximum punishment for the alleged offence is about three years.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in five other



cases namely, Deepnagar P.S. Case No. 271 of 2019, Sohsarai P.S. Case No. 178 of 2018, Harnaut P.S. Case No. 27 of 2021, Harnaut P.S. Case No. 281 of 2016 and Harnaut (Kalyan Bigha) P.S. Case No. 27 of 2021.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, particularly the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Harnaut (Kalyan Bigha O.P.) P.S. Case No. 407 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.



(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office



objections.

(Jitendra Kumar, J)

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