

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15365 of 2022

Arising Out of PS. Case No.-189 Year-2021 Thana- RAJAPAKAR District- Vaishali

Aman Kumar @ Bipul Kumar Son Of Sanjeet Sah @ Sanjeet Kumar R/O
Village- Govindpur Singhara, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-08-2022 Heard Mr. Anuj Kumar, learned counsel appearing on
behalf of the petitioner and Ms. Asha Devi, learned A.P.P. for
the State.

Learned counsel appearing on behalf of the petitioner
at the outset informs this Court that he may be permitted to
delete paragraph No.8 of the bail application.

Learned counsel for the petitioner is permitted to do
so in course of the day.

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

The petitioner seeks regular bail in connection with
Rajapakar P.S. Case No. 189 of 2021, for the offence punishable
under Sections 414/34 of the Indian Penal Code and Section
25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that the petitioner



was apprehended by the patrolling party along with loaded country made pistol and motorcycle. Accordingly, seizure-list was prepared.

Learned counsel appearing on behalf of the petitioner submitted that due to enmity, the petitioner has been made accused in the present case while nothing was recovered from the possession of the petitioner, however, recovery of one Bullet motorcycle and firearm along with live cartridge has been shown to have been possessed by the petitioner. The petitioner has remained in custody since 19.07.2021. The Chargesheet has already been submitted. On these grounds, the petitioner seeks to be released on bail.

Ms. Asha Devi, learned A.P.P. for the State vehemently opposed the prayer for grant of bail to the petitioner. She has draws the attention of this Court to statement made in paragraph No.3 of the bail application in which the petitioner has admitted that he has involved in three criminal cases, however, in all three cases the petitioner has been released on bail.

Considering the aforementioned facts and circumstances of the case, nature of allegation, period of custody as well as the fact that Chargesheet has already been



submitted and trial is not likely to be concluded in near future, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 189 of 2021, subject to the following conditions:-

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

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

(3) 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.

(4) 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 bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has



been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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