

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16121 of 2022

Arising Out of PS. Case No.-192 Year-2020 Thana- MOKAMAH District- Patna

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AMAR KUMAR Son of Shankar Singh Resident of Village - Kashichak, P.S.-
Kashichak, District - Nawada. At Present residing at Mohalla - Shankarbar
Tola, Ward No.- 16, P.S.- Mokama, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 414/34 of the Indian Penal Code
and Section 26 and 35 of the Arms Act.

The case relates to recovery of two country made
pistol along with two live cartridges and one mobile phone.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that according to the F.I.R and seizure list,
one loaded country made pistol along with cartridge are said
to have been recovered from the possession of the petitioner



but, in fact, nothing has been recovered from the conscious possession of the petitioner rather the police has planted the story and shown the recovery from the petitioner's possession. He further submits that similar situated co-accused, namely, Rajesh Kumar has already been granted bail vide order dated 26.08.2020 passed in Cr. Misc. No. 31710 of 2021 and the case of this petitioner stands on better footing. The petitioner is rotting in judicial custody since 20.09.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Mokama P.S. Case No. 192 of 2020 (G.R. No. 1475 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.

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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