

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19520 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- SITAMARHI District- Sitamarhi

ASHISH ANAND Son of Ashutosh R/o village - Bakhri, P.S.- Sursand,
District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Jagdhari Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-05-2022 The present case has been taken out of turn based on the mentioning made by the learned counsel for the petitioner on the ground that the petitioner has to appear in the examination of C.D.P.O. (Preliminary) Competitive Examination to be conducted by Bihar Public Service Commission on 15.05.2022.

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

The petitioner seeks bail in a case registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code read with Sections 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 27.01.2022, charge-sheet has been submitted in the case and has antecedent of one case.



Allegation is of recovery of a scooty from the possession of the petitioner while arms and cartridges were recovered from other accused persons who were apprehended at the place of occurrence by the police alongwith the petitioner.

Learned counsel for the petitioner submits that the said scooty is in the name of the mother of the petitioner and as such it belongs to him, it is also submitted that no offence under the Arms Act has been committed by the petitioner.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 27.01.2022, charge-sheet has been submitted in the case, the petitioner has to appear in a competitive examination and in the nature of allegations, let the petitioner above named be **released on provisional bail** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sitamarhi P.S. Case No. 65 of 2022, with a condition that one of the bailors of the petitioner shall be his father, Ashutosh.

Further, the petitioner after appearing in the examination will file an affidavit in the learned court below



clearly stating the center at which he appeared in the examination along with time of the examination and the learned court below shall, based on his affidavit, seek a verification from the concerned center as to whether the petitioner appeared in the examination or not or the mentioning was made on behalf of the petitioner with a view to mislead the Court for obtaining bail. In the event, if it is reported that the petitioner had appeared in the examination, the provisional bail granted shall be forthwith confirmed and in the event, if it comes that the petitioner after release did not appear in the examination in the center which he had mentioned in the affidavit, the learned court below shall forthwith cancel the provisional bail bonds of the petitioner and will take all coercive steps to take him back behind the bars.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

