

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19809 of 2022**

Arising Out of PS. Case No.-20 Year-2021 Thana- BELSAND District- Sitamarhi

DIWAKAR SINGH @ DIWAKAR KUMAR SINGH S/o Nagendra Singh
R/o village- Madhkaul, P.S.- Belsand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Umanath Mishra

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 17-08-2022 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 Belsand P.S. Case No. 20/2021 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 pistol from the possession of co-accused, Vishal Kumar.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and during course of investigation on interrogation made by the police the name of petitioner disclosed by co-accused, Vishal Kumar that the said



arms given by this petitioner. Nothing has been recovered from the possession of the petitioner. The petitioner is languishing in custody since 06.07.2021 and bears criminal antecedent of six cases. Charge sheet has been submitted in this case and there is no likelihood of tampering with 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, nothing has been recovered from the conscious possession of the petitioner, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Belsand P.S. Case No. 20/2021, 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 without appropriate permission, 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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