

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19555 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- TAJPUR District- Samastipur

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Aman Kumar @ Kargil Son Of Ramai Thakur Resident Of Village- Repura,
Police Station- Waini O P, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-07-2022 Heard learned counsel for the parties through video
conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Tajpur (Waini O.P.) P.S. Case No. 161 of 2021 under Sections
201 and 10(B) of the Indian Penal Code and Section 25(1-b)a,
26/35 of the Arms Act.

The allegation in the FIR is that in connection with
Tajpur (Waini O.P.) P.S. Case No. 132 of 2021 lodged on
27.03.2021 under Section 302/34/120(B) of the Indian Penal
Code and Section 27 of the Arms Act, the present accused was
arrested from Haryana, who had confessed to his guilt and has
further stated that the revolver used in the said murder was



handed over to his mother. On the basis of said confessional statement of the petitioner herein, the police raided his house and from the rice container, the said revolver as also two live cartridges were recovered/seized. Accordingly, the present FIR came to be lodged.

So far as this case is concerned, it relates to recovery/seizure of the revolver as also the live cartridges and Section 201 of the Indian Penal Code as the said revolver was used in the murder of the earlier case.

Taking into account the aforesaid facts that it relates to recovery/seizure of the country made pistol and live cartridges as also the fact that the petitioner is in jail/remanded since 17.06.2021 (as stated in paragraph-8 of the bail application) and charge sheet already stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Additional Chief Judicial Magistrate-1/Court concerned, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case no. 161 of 2021, subject to the following conditions:

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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