

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21684 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- BELDOUR District- Khagaria

SANTOSH KUMAR S/O NAGESHWAR YADAV R/o village- Barsan, P.S.-
Basnahi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap
For the Opposite Party/s : Mrs.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2022 Supplementary affidavit has been filed on behalf of

the petitioner bringing on record criminal antecedent of

petitioner.

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

Beldaur P.S. Case No. 209 of 2021 registered for the offences

punishable under Sections 399, 412 of the Indian Penal Code,

Sections 25(1-B)a 26, 35 of the Arms Act and Section 37(c) of

Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery

of one loaded country made pistol from possession of the



petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 16.09.2021 and bears criminal antecedent of one case which was registered in the year 2015 in which he is on bail. He further submits that petitioner is quite innocent and has committed no offence. No looted article is said to have been recovered from possession of the petitioner. Co-accused Molem Yadav and Rahul Kumar have been granted bail by the co-ordinate Bench of this court vide Cr. Misc. Nos. 5441 of 2022 and 8376 of 2022.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Beldaur P.S. Case No. 209 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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