

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30883 of 2021

Arising Out of PS. Case No.-1008 Year-2020 Thana- ARA NAWADA District- Bhojpur

Jitendra Kumar Son of Late Dadan Sao Resident of village - Chasi, Police station - Narayanpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in Virtual Court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Ara Nawada P.S. Case No. 1008 of 2020 registered for the offences punishable under Sections 25 (1-b)a, 26, 35 of the Arms Act.

According to prosecution case, the informant Deep Narayan Singh, S.I. Ara Nawada police station stated that on secret information that some miscreants are coming along with arms by car, he stopped the said vehicle and on search in presence of witness, one country made pistol and two live cartridges have been recovered from the dickey of the said



vehicle.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner, rather the police has planted the same and showed the recovery of one country made pistol and two live cartridges from the dickey of the said car in question. He further submits that petitioner is the driver of the said vehicle and he has no knowledge about the arms in question. It is further submitted that charge sheet has been submitted in this case. The petitioner is in custody since 28.12.2020.

The learned Additional Public Prosecutor opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Nawada P.S. Case No. 1008 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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