

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20797 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- GAYA MUFASIL District- Gaya

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ALOK @ CHOCHA @ ALOK KUMAR Son of Arun Singh @ Arun Kr.
Singh @ Arun Kumar Singh Resident of Mohalla - Janakpur Kalpu Nagar,
P.S.- Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

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

The case relates to recovery of one loaded country made pistol and two live cartridges from possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present



case. He further submits that for the same occurrence, two FIRs have been instituted, one under the Arms Act and another is Bihar Prohibition and Excise Act. Further submits that it appears from the FIR as well as seizure list that one loaded country made pistol and two live cartridges have been recovered from possession of the petitioner but in fact nothing has been recovered from possession of the petitioner rather the police has planted the same and shown that the recovery has been made from possession of the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.04.2021.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries twenty more cases other than the present one.

Learned counsel for the petitioner submits that the petitioner is on bail in all the cases except three cases.

Considering the fact and circumstances of the case, 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 learned court below where the case is pending in connection with Muffasil P.S.Case



No.175 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her 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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