

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24555 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- NAUBATPUR District- Patna

Mritunjay Kumar S/O Amrendra Singh @ Rangdar Singh R/O Village-Shekhpora, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Sheo Jee Mishra, learned counsel appearing on behalf of the petitioner and learned APP for the State.

Petitioner seeks for grant of bail who is in custody in connection with Naubatpur P.S. Case no. 17 of 2022 dated 12.01.2022 for the alleged offences registered under sections 25 (1-b)a/26/35 of the Arms Act.

As per the prosecution case, it is alleged that while the police party was on patrolling duty, he received confidential information that co-accused Bharat Kumar kept fire arms in his house raided the house of Bharat Kumar. Noticing the police party two persons fled away however, on



search one country made katta and five live cartridges were recovered from the bed of the petitioner. It is further alleged that the petitioner was apprehended from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R, it is evident that in fact the house of one Bharat Kumar was raided and thereafter, further recovery of one country made Katta and five live cartridges is said to have been made from the bed of the petitioner, which house is a joint family house and as such the petitioner cannot be held responsible for the same. It is next submitted that in fact, on account of some altercation between the police and the petitioner, he has been falsely implicated in this case and moreover, he is in custody since 12.01.2022 and save and except a case bearing Naubatpur P.S. Case No. 82 of 2012 registered for the offences under sections 323, 341, 504, 506/ 34 of the Indian Penal Code, no other case is pending.

On the other hand learned counsel opposed the bail application and submits that the recovery has been made from the bed of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery has



been made from the joint family house and the petitioner is in custody since 12.01.2022 and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate- III, Danapur in connection with Naubatpur P. S. Case No. 17 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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