

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23433 of 2022

Arising Out of PS. Case No.-806 Year-2020 Thana- MUFFASIL District- West Champaran

Anil Kumar @ Sukha @ Sukha Kumar S/o Mahavir Ram @ Panchhi Ram @
Pakuchi Ram R/o Village- Purvi Kargahiya, P.S.- Bettiah (Muffasil), District-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Bettiah (Muffasil) P. S. Case No. 806 of
2020 registered for the offences punishable under Sections 399,
402, 413, 414 of the Indian Penal Code and Section 25 (1-b)a,
26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that the



police, on a secret information, apprehended the petitioner and other accused persons. On search, one loaded country-made pistol has been recovered from the possession of this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that in fact, no recovery has been made from the possession of this petitioner rather the recovery has been made from other co-accused person, but only on account of his past criminal antecedent his name has been implicated in this case showing the recovery of an arm from his possession. It is further submitted that there is other infirmities in the preparation of the seizure list and moreover, neither the recovered motorcycle belongs to the petitioner nor he has any concern with other co-accused persons. It is next submitted that other co-accused persons, who were also apprehended and from whose possession certain incriminating materials have been recovered, they have already been granted bail by different Benches of this Hon'ble Court. It is lastly submitted that the petitioner is ready to give undertaking that he will fully cooperate in the trial till its conclusion.

On the other hand, learned APP for the State opposes the bail application and submits that the loaded pistol has been recovered from the possession of this petitioner.



Having considered the submissions made on behalf of the parties and taking into account the undertaking given by the petitioner and moreover, the petitioner is in custody since 01.01.2021 and other co-accused persons having more or less similar allegation have already been granted bail by different Bench of this Hon'ble Court, 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 learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Muffasil) P. S. Case No. 806 of 2020, 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)

shakir/-

U		T	
---	--	---	--

