

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35347 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- KANTI District- Muzaffarpur

Prince Kumar @ Bambam, aged about 22 years, Gender-Male, S/o- Sudhir Singh Resident of Village- Manpur Jaua Madhaul, P.S.- Runnisaidpur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Adv.
For the Opposite Party : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-01-2022 The matter has been listed today for consideration through Video Conference.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

The petitioner seeks bail in Kanti P. S. Case No. 11 of 2021, instituted for the offence under Sections 115, 400, 401 of the Indian Penal Code and Sections 25(1-b) a/ 26/ 35 of the Arms Act.

Since 31.01.2021 it is stated that the petitioner is in



custody. As per allegation in the First Information Report, there is recovery of one country made pistol loaded with one live cartridge.

Petitioner's counsel submits that the recovery is not in accordance with law. He denies and disputes the recovery altogether. It is submitted that his implication is on account of two criminal antecedents as per disclosure made in paragraph No.3 of the bail petition. The implication is, thus, on extraneous consideration. The petitioner has no concern with the allegedly recovered motorcycle as it has not been claimed as being the stolen one till date.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 ACJM- 2nd (West) Muzaffarpur, in connection with Kanti P. S. Case No. 11 of 2021, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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