

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25338 of 2022

Arising Out of PS. Case No.-19 Year-2020 Thana- PIPRAHI District- Sheohar

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Raju Kumar @ Raja @ Raja Mahto Son Of Vaidhnath Mahto Resident Of
Village - Kaura Bhim , P.S.- Parsauni, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Adv

For the Opposite Party/s : Mr.M.K.Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Piprahi P.S.Case No. 19 of 2020 for the
offences punishable 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 conducting vehicle checking, on suspicion
apprehended three persons, who were coming on a
motorcycle however, noticing the police party one person
succeeded to flee away but two were apprehended and on



search one loaded country made pistol and live cartridges were recovered from possession of co-accused Binay Kumar. It is further alleged that apprehended person disclosed the name of petitioner.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested at the spot nor any incriminating material has been recovered from his possession. So far as the alleged recovery is concerned, the same is made from possession of co-accused Binay Kumar. It is next submitted that save and except the disclosure made by the co-accused, there is no other material suggesting the complicity of the petitioner. In fact on account of past criminal antecedent of the petitioner his name has been implicated in this case which shows the high handedness of the police.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that he has also found involved in six another cases.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested on the spot nor any incriminating material



has been recovered from person or possession of the petitioner. Moreover, he is in custody since 17.08.2021, though the investigation of the crime is already concluded and the charge sheet has been submitted, apart from the fact that criminal antecedent of a person cannot be sole ground to keep behind the bar for indefinite period, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Sheohar in connection with Piprahi P.S.Case No. 19 of 2020, subject to the condition that one of the bailors will be the close relatives 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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