

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36743 of 2021

Arising Out of PS. Case No.-517 Year-2020 Thana- KHAJANCHI HAT District- Purnia

Bittu Singh @ Aniket Singh, Son of Late Pankaj Singh Resident of Village-
Sarsi, P.S.- Sarsi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Sahi, Sr. Adv. Mr. Sunil Kumar Pathak, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defects, as pointed out by the office, be removed
within four weeks of start of normal functioning of the physical
court.

The petitioner seeks bail in connection with K. Hat P.S.
Case No.517 of 2020 registered for the offence punishable under
Section 25(1) (a) (1A) (1AA) (1-B) 26,29, 35 of the Arms Act.

The prosecution case in short is that on 28. 09. 2020 the
informant Sunil Kumar Mandal, Police inspector cum officer-in-
charge of K. Hat P. S. had received an information that an encounter
took place between a team of S.T.F, Patna with this petitioner near
Donar Chowk and thereafrer, the informant along with other police
personnel proceeded to the spot and reached there. It is further case



of the prosecution is that an XUV 300 bearing Registration No. BR 11 AM-7715 was surrounded by the S.T.F. Team, Patna. It is alleged that officer of STF namely Amarendra Kishore narrated to the informant that the vehicle of this petitioner was being chased down from Max Hospital and after few rounds of firing, his vehicle was stopped. Thereafter, this petitioner was asked to surrender and one AK-47 Rifle loaded with Insas magazine was seized from the lap of this petitioner. Magazine was made up of fibre having loaded with 15 live cartridges of 5.56 bore. One plastic bag containing 51 live cartridges of 5.56 bore was recovered from the aforesaid vehicle kept near the leg of this petitioner and one country-made carbine was also recovered from the dicky of the aforesaid XUV Car. This petitioner did not disclose any satisfactory reply regarding the acquisition of aforesaid illegal firearms and ammunitions.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR and seizure list that one AK-47 Rifle loaded with Insas magazine having 15 live cartridges of 5.56 bore was seized from the possession of the petitioner. He further submits that one plastic bag containing 51 live cartridges of 5.56 bore was also recovered from the vehicle kept near the leg of this petitioner and one country made carbine was recovered from the dicky of the vehicle in question. He further submits that nothing has been recovered from the possession of the petitioner,



rather the police has planted the same and shows the recovery from the possession of the petitioner. Vide order dated 06.12.2021 a report was called with regard to present stage of the trial, and the report dated 16.12.2021 reveals that the record has been fixed for framing of charge. Learned counsel for the petitioner submits that in view of the report dated 16.12.2021 the trial is not likely to be concluded in near future and the petitioner is in custody since 29.09.2020.

Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner carries thirteen more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with K. Hat P.S. Case No.517 of 2020 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) The petitioner after releasing will keep making his attendance in the concerned police station in between 20th-25th of every month, the concerned police station will report to the learned court below between 28th-30th of every month that the petitioner is making his attendance in the police station. In the event, it is reported that the petitioner in between the aforesaid dates in any of the month has not marked his attendance, the learned court below will proceed to cancel his bail bonds.

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 steps 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)

Prakash Narayan /-

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