

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36766 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- JAKKANPUR District- Patna

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AJAY KUMAR @ PUNIT S/o Phaguni Ram Resident of Mohalla- Chandpur
Bela, close to the house of Ganpat Rai, P.S. Jakkanpur, District - Patna and
Permanent R/o Village - Reniya, P.S. Kochas, District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Jakkanpur P.S.

Case No. 78 of 2020 registered for the offences punishable

under Sections 25(1-B)a, 26, 35 of the Arms Act.

According to prosecution case, one country made

pistol and 14 live cartridges have been recovered.

Learned counsel for the petitioner submits that

petitioner has committed no offence and he has falsely been



implicated in the present case. It is further submitted that nothing has been recovered from conscious possession of the petitioner. It is further submitted that it appears from the FIR itself that the recovery has been made from inside the bed which was used by the petitioner and co-accused Tuntun Sao. It is further submitted that co-accused, Manoj Kumar @ Manoj Kahar has been granted bail by this court vide order dated 03.01.2022 passed in Cr. Misc. No. 19739 of 2021. Petitioner is in custody since 29.01.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries three criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Additional Chief Judicial Magistrate-1st, Patna in connection with Jakkanpur P.S. Case No. 78 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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. 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 step 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)

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