

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38708 of 2021

Arising Out of PS. Case No.-704 Year-2020 Thana- SITAMARHI District- Sitamarhi

ABHISHEK KUMAR @ RAJA Son of Late Lalan Mahto Resident of
Village- Lakshman Nagar, Ward No.17, Kusth Colony Road, Police Station-
Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 17.12.2020,
seeks regular bail in connection with Sitamarhi P.S. Case No.
704 of 2020, for the offence punishable under Section 25(1-
b)A/26 of the Arms Act.

The prosecution case, in brief, is that in course of
search, one country made loaded pistol was recovered from the
possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in this case. He further submits that the petitioner has already remained in custody since 17.12.2020 and there is no allegation of tampering with the evidence or influencing the witnesses as well as there is no legal evidence or cogent material available on the record to connect the petitioner to the alleged offence, in question.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and looking into the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-VI, Sitamarhi in connection with Sitamarhi P.S. Case No. 704 of 2020, subject to the condition that the petitioner will appear before the S.H.O. of the concerned Police Station daily at 9.00 A.M and the S.H.O is required to send attendance of the petitioner on monthly basis to the Superintendent of Police, Sitamarhi till conclusion of the trial, if there is even a single day default, the bail bonds of the petitioner shall, automatically, be cancelled as well as subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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