

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29937 of 2022

Arising Out of PS. Case No.-59 Year-2020 Thana- MASHRAK District- Saran

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Kishan Kumar Son Of Vashishtha Singh R/O Village- Babu Ke Chhapiya,
P.S.- Mashrakh, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual court proceeding.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 427, 379, 354(B), 504 and 506 of the Indian Penal Code and Section 37 (c) of the Bihar Prohibition and Excise Act, 2016 and Section 25(1-B), 26, 27 of the Arms Act.

As per prosecution case, in brief, is that on 02.02.2020 the accused persons namely Tuna Singh, Kishan Kumar, Kaushal @ Sahabu and Krishna Kant Singh came in drunken condition at the house of the informant and began to



abuse him and they damaged the car at the door of the informant. Seeing the occurrence, when the informant's bhabhi namely Rekha Devi came to rescue, the above named accused persons threw her down, caught her hair and started beating her and with bad intention disrobed her. On hullah, the nearby people gathered there. In the meantime, accused Tuna Singh snatched a golden chain from her neck. When the police reached, all the accused persons fled away from the spot. It is further stated that after going the police, all the above named accused persons along with three unknown persons armed with weapons came at the door of the informant and started firing and due to fear, the informant along with his family members entered into the house and the accused persons took away three motorcycles from the informant's house and they also damaged the said motorcycles. It is further alleged that during course of fleeing one *katta* and one cartridge fell down on the ground which was seized and seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that the alleged arms has been recovered from the possession of co-accused namely Tunna Singh. He further submits that



nothing incriminating articles have been recovered from the conscious possession of the petitioner and no case is made out against the petitioner under the Arms Act and so far as Section 37(c) of the Excise Act is concerned, it is not attracted and not applicable against the petitioner and the petitioner is in custody since 22.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mashrakh P.S. Case No. 59 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 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



witness, 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 antecedents, 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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