

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29259 of 2022**

Arising Out of PS. Case No.-416 Year-2021 Thana- GAYA MUFASIL District- Gaya

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AMIT KUMAR Son of Sri Mahadeo Ravidas Resident of Village- nauranga,
P.S. - Mufassil, Dist.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 29-08-2022 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.

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-b)a, 26(ii), 35 of the Arms Act.

One country made pistol along with five live cartridges as well as four motorcycles were recovered from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case only on the basis of suspicion. He further submits



that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of confessional statement of co-accused Suraj Yadav and Bablu Yadav. He further submits that nothing incriminating article has been recovered from the possession of the petitioner rather one country made pistol has been recovered from the place of occurrence apart from that four motorcycles also recovered from the place of occurrence and out of four one motorcycle belonged to the petitioner namely Bablu Yadav and the petitioner has no concern at all with the alleged recovery. He further submits that co-accused Suraj Kumar @ Suraj Kumar Yadav @ Suraj yadav has been granted bail by a Coordinate Bench of this Court vide order dated 28.06.2022 in Cr. Misc. No. 4413 of 2022 and the petitioner is in custody since 08.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case 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



Muffasil P.S. Case No. 416 of 2021, 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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