

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30238 of 2022**

Arising Out of PS. Case No.-97 Year-2022 Thana- NAWANAGAR District- Buxar

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Anish Kumar, S/o Kamlesh Singh @ Kamlesh Kumar Singh, Resident of
Village- Kusanda, P.S.- Suryapura, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Nawanagar P.S. Case No. 97 of 2022 registered for the alleged offences under Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, police received secret information about three persons coming on motorcycle carrying weapon. They were intercepted and two boys riding a motorcycle were apprehended and from their possession, a country made pistol and live cartridges were recovered. They



disclosed that the petitioner was riding the other motorcycle and fled away from the spot leaving behind the motorcycle. The motorcycle left by the petitioner was stated to be a looted motorcycle. The co-accused also disclosed about robbery being committed by them in the previous night.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been named by the co-accused persons who are on inimical terms with this petitioner. Charge-sheet has been submitted and the petitioner is in custody since 25.03.2022.

Learned APP opposes the prayer for bail submitting that the co-accused persons named this petitioner for being involved in different crimes. Petitioner is having criminal antecedents.

Having regard to the submissions made hereinabove and considering his period of custody along with submission of charge-sheet in this case, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in



connection with Nawanagar P.S. Case No. 97 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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