

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30498 of 2022**

Arising Out of PS. Case No.-75 Year-2022 Thana- KANTI District- Muzaffarpur

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AJIT KUMAR @ AJIT KUMAR THAKUR Son of Dinesh Thakur Resident
of Village - Sherna, P.s.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukund Mohan Jha
For the Opposite Party/s : Mr.Gauri Shankar Gupta

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 06-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Kanti

P.S. Case No. 75 of 2022 registered for the offences punishable

under Sections 393, 120(B) of the IPC and Sections 25(1-b)a,

26, 27, 35 of the Arms Act as well as Section 37(C) of Bihar

Prohibition and Excise Act.

As per prosecution case, the accusation against the

petitioner is that he was found sitting alongwith co-accused

Sonu Kumar and others in a car and one pistol and two

cartridges were recovered from the pocket of co-accused Sonu

Kumar. It is also alleged that smell of liquor was coming from



the mouth of petitioner and others.

Learned counsel for the petitioner submits that petitioner is in custody since 07.02.2022 and bears clean antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from possession of the petitioner rather the alleged recovery has been made from the possession of co-accused Sonu Kumar. There is nothing on record to demonstrate the complicity of the petitioner in the alleged occurrence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, 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 Special Judge (Excise) Court No. II, Muzaffarpur in connection with Kanti P.S. Case No. 75 of 2022, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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