

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32143 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- KISHUNPUR District- Supaul

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Gajendra Kumar, S/o Devram Mandal Residentg of Village- Chandpiper Ward
No.09, P.S.- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav

For the Opposite Party/s : Mr. Upendra Kumar APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with S.T.
No. 51 of 2022 / I.A. 01 of 2022, arising out of Kishanpur
P.S. Case No. 226 of 2021, registered for the offences
punishable under Sections 399 and 402 of the Indian Penal
Code and Sections 25 (1-b) a/26/35 of the Arms Act.

As per the prosecution case, emerging from the



FIR, there is an allegation of planning for commission of dacoity and on search one country made pistol has been recovered from the petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that it is baseless to say that the petitioner and his associates were planning for commission of dacoity. The petitioner has been arrested merely on suspicion. He also submits that there is no recovery of any arms from the conscious possession of the petitioner. He further submits that similarly situated co-accused Vijay Kumar Mandal and Vikash Kumar have already been enlarged on bail by this Court vide order dated 13.07.2022 passed in Cr. Misc. No. 14970 of 2022 and Cr. Misc No. 13776 of 2022, respectively.

The petitioner has been languishing in jail since 13.11.2021, i.e., for about one year.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.



It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional District and Sessions Judge, VII, Supaul (Sanjay Kumar Fourth) in connection with S.T. No. 51 of 2022 / I.A. 01 of 2022, arising out of Kishanpur P.S. Case No. 226 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.



(Jitendra Kumar, J)

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