

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32165 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- AMARPUR District- Banka

Bankey Singh @ Banke Singh S/o Bhutta Singh @ Bihbuti Singh @ Vibhuti
Prasad Singh Resident of Village- Kathel, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2022 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, 35 of the Arms Act.

The prosecution case, in brief, is that on 09.06.2021 when the informant along with his team was on patrolling duty and when the informant reached at English More, the driver of the pick-up van informed the informant that four miscreants committed loot of Rs. 9,000/- and mobiles from him and his co-driver at Kathel Canal Diversion. On that information, the



informant reached at alleged spot and caught one of the miscreants namely Pankaj Kumar Sah, whereas others managed to flee from the spot. On interrogation, the petitioner disclosed the name of their absconded associates as banke Singh @ Banke Singh, Rajeev Singh and Billa @ Chhotu. On search, a country made katta and two live cartridges were recovered from possession of Pankaj Kumar Sah. On demand, the accused could not produce any licence regarding alleged weapon.

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 the name of the petitioner has been transpired on the basis of disclosure made by co-accused Pankaj Kumar Shah. He further submits that nothing incriminating articles has been recovered from the possession of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.02.2022.

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 Amarpur P.S. Case No. 273 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.

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(Rajesh Kumar Verma, J)

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