

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32387 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- SIKANDRA District- Jamui

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Rohit Kumar S/o Arjun Ram Resident of Village- Balda, P.s.- Sikandra,
District- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha. Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2022 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 the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 25(1-b)a/26/35 of the Arms Act.

The case relates to recovery of one country made pistol, two live cartridges and one mobile phone from possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the F.I.R. as well as seizure list that one country made



pistol, two live cartridges and one mobile phone have been recovered from the possession of the petitioner. In fact only one mobile phone has been recovered from possession of the petitioner but the police has planted the same and shown that the arms and ammunition, as aforesaid, have been recovered from possession of the petitioner and the police, after investigation, submitted charge sheet against the petitioner and the petitioner is in custody since 22.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the fact and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (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 Sikandara P.S.Case No.63 of 2022 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(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 antecedent, 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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