

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32311 of 2022**

Arising Out of PS. Case No.-77 Year-2022 Thana- AMARPUR District- Banka

Bulla @ Bullo @ Sudhanshu Son of Birendra Choudhary @ Birendra Kumar
Choudhary Resident of Village - Bhadrar, P.S.- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, 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 399 and 402 of the Indian Penal Code and Section 25(1-B)a/26/35 of the Arms Act.

As per the F.I.R., upon secret information, the police reached the place of occurrence and caught seven accused persons on three motorcycles, the petitioner herein being one of them. Upon search, it is alleged that a country made pistol and three live cartridges were recovered from the accused persons.

Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the conscious possession of the petitioner but as per seizure list one motorcycle and one mobile phone has been recovered from the possession of the petitioner and the same belonged to the petitioner. He further submits that similarly situated co-accused person namely Chhotu Pandit has been granted bail by a Coordinate Bench of this Court vide order dated 23.08.2022 in Cr. Misc. No. 27154 of 2022 and the petitioner is in custody since 08.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases 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. 77 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 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.

(Rajesh Kumar Verma, J)

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