

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32919 of 2022

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

=====

TULSI KUMAR @ ABHIJIT KUMAR @ RAJESH KUMAR Son of Late
Prasadi Rai 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, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-09-2022 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 399 and 402 of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of two country made
pistol along with four live cartridges and three motorcycle
from the possession of companion of the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that according to
the F.I.R. it is apparent that although it is alleged that a plan
was being prepared by the petitioner and his companions to



commit crime but no occurrence has taken place, neither the petitioner has committed any offence nor anything as alleged in the F.I.R. has been recovered from his possession. He further submits that this case is out and out a case of false implication of the petitioner taking note of his antecedents, which are six in numbers and out of which in four cases the F.I.Rs. were instituted against unknown and in those cases, the police has implicated the petitioner during course of investigation. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 08.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

U		T	
---	--	---	--

