

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33206 of 2022**

Arising Out of PS. Case No.-388 Year-2021 Thana- MAIRWAN District- Siwan

NIRAJ SINGH @ NIRAJ KUMAR SINGH @ D.M. SINGH S/o Ravindra
Singh R/o village- Sumerpur, P.S.- Mairwa, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 02-09-2022 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.

One country made pistol and one mobile phone were recovered from the possession of the petitioner.

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 one country made pistol and one



mobile phone have been recovered from the possession of the petitioner. He further submits that in fact nothing incriminating article has been recovered from the possession of the petitioner rather the police has planted the same and shown one loaded country made pistol and one mobile phone has been recovered from the possession of the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.12.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three 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 Mairwa P.S. Case No. 388 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.

(Rajesh Kumar Verma, J)

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