

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32776 of 2022**

Arising Out of PS. Case No.-75 Year-2022 Thana- BATHNAHA District- Sitamarhi

AWADHESH KUMAR S/o Ramkripal Rai R/o village- Rampur, P.S.-
Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma
For the Opposite Party/s : Mr.Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 13-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bathnaha P.S. Case No. 75 of 2022 registered for the offences
punishable under Sections 399, 402, 120(B) of Indian Penal
Code and 25(1-b)A, 26/35 of Arms Act.

As per prosecution case, there is allegation that one
country made pistol loaded with one live cartridge as well as
one android mobile was recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 24.03.2022. Petitioner bears no



criminal history. It has been submitted that petitioner has committed no offence and he has been falsely implicated in this case. Seizure list has not been made as per the law.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent and arguments advanced on behalf of both parties and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 75 of 2022 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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