

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33431 of 2022

Arising Out of PS. Case No.-364 Year-2021 Thana- HARNAUT District- Nalanda

1. Pappu Kewat
 2. Rohit Kewat
- Both are Son Of Sudhir Kewat Resident Of Village- Bakara, P.S.- Bind,
District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binit Kumar,Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2022 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 petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

The case relates to recovery of one country made pistol, one live cartridge and one mobile phone from possession of petitioner-Pappu Kewat and one mobile phone and one live cartridge from possession of petitioner-Rohit Kewat.



Learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one country made pistol, one live cartridge and one mobile phone have been recovered from possession of petitioner-Pappu Kewat and one mobile phone and one live cartridge have been recovered from possession of petitioner-Rohit Kewat. Further submits that so far as seizure of the stolen articles is concerned, these articles have not been put on T.I.P. and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 18.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner No.1 carries eight more cases and petitioner No.2 carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Harnaut P.S.Case No. 364 of 2021 with the following



conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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