

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33829 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Mukul Kumar Son of Lal Babu Sah Resident Of Village- Kodarkatta, Police
Station- Motipur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard Mr. Sanjay Kumar Tiwari, learned counsel for the
petitioner and Mr. Mithlesh Kumar Khare, learned APP for the
State.

Petitioner seeks regular bail in connection with Motipur
P.S case No 63 of 2022, registered for the offences punishable
under Sections 25(1-B)a, 26 and 35 of the Arms Act.

Allegedly, the police got the information that co-
accused Rahul @ Babua Don was present with his companions at
the alleged place and then the police party raided the said place
and apprehended this petitioner but other co-accused persons
managed to flee away, from the possession of this petitioner one
loaded country-made pistol was recovered.



The main submissions advanced by Mr. Sanjay Kumar Tiwari, learned counsel for petitioner are that the petitioner has been languishing in jail since 13.02.2022 having clean antecedent and against him the investigation has been completed.

Mr. Mithlesh Kumar Khare, learned APP for the State has opposed the prayer for bail.

In view of the above submissions and considering petitioner's clean antecedent and his custody period and also the fact that as per the order of Court below the petitioner has been charge-sheeted and his case appears to be at initial stage of the trial, in the opinion of this Court lenient approach can be taken in respect of the petitioner's prayer, let the 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 the concerned Court in connection with Motipur P.S. case no. 63 of 2022, on 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 below and shall remain physically present as directed by the Court below 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



witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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