

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34346 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- BELDOUR District- Khagaria

=====

BABLU KUMAR S/O Late - Siyo Sharma @ Satish Sharma Resident of
Beldaur, P.S. - Beldaur, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 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

Beldaur P.S. Case No. 25 of 2022, G.R. No. 264 of 2022

registered for the offences punishable under Sections 341, 307,

504, 506 of the Indian Penal Code and Section 25(1-b)a, 26, 35,

27 of the Arms Act.

As per prosecution case, accusation against the

petitioner is that he alongwith other co-accused fired upon the

informant.

Learned counsel for the petitioner submits that

petitioner is in custody since 22.03.2022. Petitioner bears one



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the F.I.R. and has falsley been implicated in the present case. So far the production of arms and ammunition to the police, by the informant and other is concerned, is hit by Section 37 of Arms Act in which the police is empowered to grant bail. Learned counsel further submits that no one has received any injury and from perusal of the F.I.R. itself it is clear that informant's father is Chaukidar and he used his influence to implicate the present petitioner in the present occurrence.

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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the 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 Smt. Pallavi Anand learned Judicial Magistrate 1st class, Khagaria in connection with Beldaur P.S. Case No. 25 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)

amitkr/-

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

