

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34404 of 2022

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

AMAN KUMAR S/o Amit Kumar Singh @ Ajit Kumar Singh R/o village-
Makanpur, P.S.- Bind, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Kumar, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

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

The case relates to recovery of one cartridge from the
possession of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that according to the F.I.R and
seizure list, one loaded country made pistol along with cartridge
and a mobile are said to have been recovered from the possession
of the co-accused, Pappu Kewat, one cartridge, one mobile and a
motorcycle has been recovered from the possession of the co-



accused, Rohit Kewat and only one cartridge is said to have been recovered from the conscious possession of the petitioner. He further submits that nothing has been recovered from the exclusive possession of the petitioner rather the police has planted the story and shown the recovery from the petitioner's possession. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that co-accused, Papu Kewat and Rohit Kewat have already been granted bail by this Court vide order dated 20.09.2022 passed in Cr. Misc. No. 33431 of 2022. The petitioner is rotting in judicial custody since 18.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with Harnaut P.S. Case No. 364 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled 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.

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 antecedent, 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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