

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45312 of 2021

Arising Out of PS. Case No.-147 Year-2021 Thana- BUXAR District- Buxar

ANIL KUMAR @ BITTU KUMAR, S/o Surender Gond, R/o village-
Charitravan, Ward No.- 1, Shamshan More, P.S.- Buxar (T), Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 09.03.2021,
seeks regular bail in connection with G.R. No. 631 of 2021,
arising out of Buxar (T) P.S. Case No. 147 of 2021, registered
for the offences punishable under Sections 399, 402 and 120(B)
of the Indian Penal Code and Sections 25(1-B)A, 26 and 35 of
the Arms Act.

The prosecution case, in brief, is that the petitioner
alongwith other co-accused were making preparation of dacoity,
on such information the petitioner and other co-accused were

apprehended by the investigating team. A country made pistol was recovered from the possession of the petitioner and some other illegal arms from the possession of the other co-accused. Seizure list was prepared.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was not present at the place of occurrence. Nothing has been recovered from the petitioner. Seizure list has been made in the police custody and petitioner has been forced to sign in the seizure list. He has also placed reliance upon judgment of the Apex Court reported in (BBCJ 1979, SC, page-61 para-4) in case of Chaturi Yadav V. state of Bihar as well as in the case of Paramjeet Singh @ Pamma Vs. State of Uttarakhand in 2011 CRI.L.J 663, SC, para-11 and 12.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and taking into consideration the period of custody as well as the age of the petitioner who is only 20 years old and his long academic carrier, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief

Judicial Magistrate, Buxar in connection with G.R. No. 631 of 2021 arising out of Buxar (T) P.S. Case No. 147 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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