

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45331 of 2021

Arising Out of PS. Case No.-341 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

KUNDAN KUMAR TANTI SON OF RAM PRAVESH TANTI R/O
VILLAGE- PANHAS WARD NO. 17 P.S- NAGAR (LOHIYANAGAR O.P)
DIST- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate.

For the Opposite Party/s : Mr.Md. Ataur Rahman, 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), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 01.06.2021,
seeks regular bail in connection with Nagar (Lohiyanagar O.P.)
P.S. Case No. 341 of 2021 for the offence punishable under
Sections 25(1-b)a and 26(2) of the Arms Act.

The prosecution case, in brief, is that the petitioner
along with other co-accused were planning to commit crime and
on information, the police apprehended the accused persons



named in the F.I.R and prepared seizure list in which one loaded country made pistol and one live cartridge were recovered from the possession of co-accused Nitish Kumar Tanti and the petitioner has been shown to be his associate.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner has been forced to sign on the seizure list. Nothing has been recovered from conscious possession of the petitioner which is evident from the seizure list that recovery was made from the possession of one Nitish Kumar Tanti. Petitioner is in custody since 01.06.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that prior to the present case, petitioner is accused in one more case under Excise Act. Hence the petitioner is not entitled to be released on bail.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner, nothing has been recovered from conscious possession of the petitioner and there is no allegation of tampering with the evidence or influencing the witnesses, the petitioner, above



named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Begusarai in connection with Nagar (Lohiyanagar O.P.) P.S. Case No. 341 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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