

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44899 of 2021**

Arising Out of PS. Case No.-132 Year-2021 Thana- SABAUR District- Bhagalpur

Neeraj Kumar @ Bhagarwa @ Bhagarwa Yadav S/o Shyam Yadav R/o
village- Chandheri, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 04-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Sabour P.S.
Case No. 132 of 2021 registered for the offences punishable
under Sections 399, 402 of the Indian Penal Code and Section
25(1-b)a, 26, 35 of the Arms Act.

According to prosecution case, one loaded country
made pistol as well as empty bottle of cough syrup and rapper of
intoxication tablets and one mobile phone was recovered from
the possession of the petitioner.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired only on the basis of suspicion. He further submits that it appears from the F.I.R. nothing has been recovered from the conscious possession of the petitioner and as per seizure list only one Samsung Mobile has been recovered from the possession of the petitioner. He further submits that similarly situated, co-accused, namely, Rajesh Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 22.01.2022 passed in Cr. Misc. No. 54889 of 2021. The petitioner is in custody since 19.05.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail, submitting that petitioner carries four criminal antecedents.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 132 of 2021, subject to 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 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. 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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