

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44531 of 2021

Arising Out of PS. Case No.-450 Year-2019 Thana- BAIRIYA District- West Champaran

OM PRAKASH KUSHWAHA S/o LATE PRAMOD KUSHWAHA R/o
VILLAGE-BALUWA RAMPURWA, P.S.-BAIRIYA, DISTRICT-WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-04-2022 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 seeks regular bail in connection with
Bairiya P.S. Case No. 450 of 2019 for the offence punishable
under Section 414 of the Indian Penal Code and Sections 25(1-
b)a, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that a raid was
conducted in the house of the co-accused Mantu Ram. One co-
accused Rakesh was also present. Upon search, one magazine
loaded with two cartridges and one mobile phone was recovered



from Mantu Ram and one dagger was recovered from the possession of Rakesh Kumar. The name of the petitioner surfaced by the two named accused in the F.I.R. in police custody.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case due to enmity. He further submits that no fire arm was recovered from the possession of the petitioner rather on his disclosure a stolen motorcycle was recovered with which the petitioner has no connection. Petitioner is in custody since 26.12.2019.

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

Considering the nature of allegation and the period of custody undergone by the petitioner as under trial prisoner, without going into the merits of the case, 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 ACJM-I, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 450 of 2019, 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.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, his bail bonds shall be cancelled.

(Purnendu Singh, J)

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