

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36225 of 2022

Arising Out of PS. Case No.-182 Year-2022 Thana- DEEPNAGAR District- Nalanda

OM PRAKASH @ GOPAL Son of Sanjev Prasad Singh Resident of Village -
Maghra, P.S.- Deepnagar (Biharsariff), Dist.- Nalanda, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Kumar Sinha

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Deepnagar P.S. Case No. 182 of 2022, G.R. Case 1742 of 2022
registered for the offences punishable under Section 398 and
401 of the Indian Penal Code and Section 25(1-B)A/26/35 of the
Arms Act.

As per prosecution case, informant got secret
information that some miscreants are indulged in loot near
Dumraon Lalbagh Mor. Thereafter, police reached at the place
of occurrence and apprehended petitioner and others. There is
alleged recovery of one country made pistol, two live cartridges



and other items from the possession of co-accused persons. It is also alleged that during search no incriminating article has been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 22.04.2022. Petitioner bears no criminal antecedent. He further submits that petitioner is innocent and has falsely implicated in this case. Petitioner has nothing to do with the alleged occurrence. As per F.I.R. itself, no objectionable material has been recovered from the possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, arguments advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge, Nalanda, Biharsarif in connection with Deepnagar P.S. Case No. 182 of 2022, G.R. Case No. 1742 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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