

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46524 of 2021**

Arising Out of PS. Case No.-18 Year-2021 Thana- KASHICHAK District- Nawada

BISHNU KUMAR @ SURAJ @ BISHNU MAHTO Son of Suresh Mahto
Resident of Village- Bhatta, P.S.- Kashichak, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

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

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

3 06-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Kashichak P.S.Case No.18 of 2021 registered for the offence under Sections 399,400,402,413,414 of the IPC and Section 25(A),(1A),(1AA)/(1B)/AB/26(i)(2)/35 of the Arms Act.

Supplementary affidavit has been filed by the petitioner disclosing his criminal antecedent.

According to the prosecution, three persons along with the petitioner have been apprehended who are said to have been planning to commit loot/ dacoity. The petitioner is said to



have been in possession of one country made pistol.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one country made pistol and two live cartridges have been recovered from the possession of the petitioner. He further submits that the police, after investigation, submitted chargesheet against the petitioner and other co-accused persons. He further submits that co-accused, namely, Shankar Kumar has been granted bail vide order dated 04.01.2022 in Cr. Misc. No. 43606 of 2021 by this Court. Petitioner is in custody since 31.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the aforesaid facts, 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 learned Addl. District and Sessions Judge-1st, Nawada in connection with Kashichak P.S. Case No.18 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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