

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46348 of 2021

Arising Out of PS. Case No.-119 Year-2021 Thana- AMARPUR District- Banka

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KANHAIYA TANTI Son of Anil Tanti @ Shambhu Tanti Resident of village -
Orai Jankipur, P.S.- Amarpur, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Balram Kapri, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-02-2022 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 08.03.2021,
seeks regular bail in connection with Amarpur P.S. Case No. 119
of 2021 for the offence punishable under Section 504 of the
Indian Penal Code and Sections 25(1-b)a and 26 of the Arms
Act. However charge sheet has been submitted under Sections
354A, 354D, 504 and 506 of the Indian Penal Code and
Sections 25(1-b)a and 26 of the Arms Act.

The prosecution case, in brief, is that an unknown



person entered into the house of the informant and started abusing her mother and him. It is further alleged that on protest the petitioner possessed with fire arm threatened him to kill, upon which the informant made alarm. Then local people assembled there and on search a country made pistol along with two live cartridges were recovered from his possession.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has committed no offence as alleged. He further submits that nothing has been recovered from conscious possession of the petitioner. Alleged recovery of fire arm and cartridges have not been made in presence of any police authority rather recovery has been made by the informant himself. No one has sustained injury in the occurrence. As a matter of fact, the petitioner and sister of the informant study in the same school and due to trivial dispute between them, he has been falsely implicated in this case. Petitioner has clean antecedent and he is in custody since 08.03.2021.

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

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner,



there is no allegation of tampering with the evidence or influencing the witnesses and there is no chance of completion of trial soon due to COVID-19, 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, Banka in connection with Amarpur P.S. Case No. 119 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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