

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49298 of 2021

Arising Out of PS. Case No.-295 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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GOPAL KUMAR S/O AJAY SINGH R/o village- Semra, P.S.- Chiraiya,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-04-2022 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

Motihari Town P.S. Case No. 295 of 2021 for the offence

punishable under Sections 399, 401 and 414 of the Indian Penal

Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the F.I.R. and the seizure list, one country

made pistol and one live cartridge were recovered from the

possession of the petitioner. Charge sheet has been submitted in

this case.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from conscious possession of the petitioner. He has no criminal antecedent and he is in custody since 18.04.2021

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

Considering the nature of allegation and period of custody undergone by the petitioner, 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 CJM, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 295 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.

(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, this order will automatically loose its force.**

(Purnendu Singh, J)

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