

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40418 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- GARDANIBAG District- Patna

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ALOK KUMAR S/o Late Prem Sah Resident of Chitkohra Bazaar, Ambedkar
Chowk, P.S.- Gardanibagh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nityanand Kumar Advocate

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Gardanibagh P.S. Case No.127 of 2022 instituted under
Section 25(1-b)a,26,35 of the Arms Act.

The prosecution case, in short, is that during
patrolling duty, the informant received secret information that
quarrel took place in SPH Enterprises Mobile shop situated near
Anishabad Suryamandir. Informant reached there and arrested
one accused person who disclosed his name as Alok Kumar and
after search, one countrymade pistol, mobile etc. were recovered
from his conscious possession. Accordingly, seizure list



prepared and FIR was lodged.

Learned counsel for the petitioner submits that although he is in custody since 08.03.2022, the victim have failed to identify him in the T.I. Parade and also nothing incriminating has been recovered from his conscious possession.

It is his further submission that given a chance he would like to reform himself considering the fact that he has been implicated in one dozen cases and would like to move out the district for six months to try to give re-look to his life.

Learned APP on the other hand has opposed the prayer for bail pointing out the number of criminal cases that has been attributed to him.

Taking into account the period of custody, 08.03.2022, charge-sheet stands submitted, victim has failed to identify him in the T.I. Parade, this Court is inclined to grant him privilege of bail with strict conditions considering the statement has come in para-3 of the bail application.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Gardanibagh P.S. Case No.127 of 2022 to the satisfaction of learned A.C.J.M.,XIV, Patna , subject to following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave his/her district (Patna) for a period of six month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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