

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40913 of 2022**

Arising Out of PS. Case No.-190 Year-2021 Thana- SINGHESHWAR District- Madhepura

PREETAM KUMAR Son of Umesh Das Resident of village - Itahari Ward
No.- 01, P.S.- Singheswar, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Jai Narain Thakur

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 06-09-2022 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
Singheshwar P.S. Case No. 190/2021 registered for the offences
punishable under Sections 399, 402 of the Indian Penal Code
and Sections 25(1-b), 26 and 35 of the Arms Act.

As per prosecution case, there is alleged recovery of
one loaded country made Katta alongwith one mobile from the
conscious possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the possession of the



petitioner. The petitioner is languishing in custody since 12.08.2021 and bears criminal antecedent of one case. Seizure list has not been prepared as per law. Learned counsel for the petitioner further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Raushan Kumar @ Roshan Kumar has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.14221/2022 and the case of present petitioner stands on similar footing as mentioned in Annexure-2 of the bail petition.

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, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Singheshwar P.S. Case No. 190/2021, 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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