

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53743 of 2021

Arising Out of PS. Case No.-93 Year-2021 Thana- KATRA District- Muzaffarpur

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ASHISH KUMAR @ BITTU Son of Navin Thakur Resident of Village-
Dhanaur, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf of
the petitioner, which forms part of this application.

The petitioner seeks bail in a case registered for the
offence under Sections 399, 402 and 414 of the Indian Penal
Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one loaded country
made pistol along with one cartridge and also cash of Rs.
25000/- from the possession of the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that according to



the F.I.R and seizure list, one loaded country made pistol along with cartridge and cash of Rs. 25000/-are said to have been recovered from the possession of the petitioner but, in fact, nothing has been recovered from the conscious possession of the petitioner rather the police has planted the story and shown the recovery from the petitioner's possession. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one. He also submits that the petitioner has confessed his guilt before the police.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Court below where the case is pending in connection with Katra P.S. Case No. 93 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 canceled 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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