

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52450 of 2021

Arising Out of PS. Case No.-489 Year-2018 Thana- BAKHTIYARPUR District- Patna

Sumit Kumar @ Sumit Paswan Son Of Sufendra Paswan R/O Village-
Belthan, P.S.- Bakhtiyarpur, Dist.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Bakhtiyarpur P.S.Case No.489 of 2018 registered for the offence under Sections 399,402 of the IPC and Section 25 (1-b)a/26/35 of the Arms Act.

Supplementary affidavit has been filed by the petitioner disclosing his criminal antecedent.

The allegation is regarding the Police having received secret information that the accused persons along with their



associates were sitting at the place of occurrence and hatching a plan to commit crime whereafter the Police had raided the said place and one loaded country made pistol was seized from the co-accused person, namely, Dhamiya @ Dharamvir and another country made loaded pistol was seized from the co-accused person, namely, Mohan Rai and two live cartridges were seized from the pocket of co-accused, namely, Manish Kumar, however, it is alleged that the petitioner and other co-accused persons managed to flee away.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of the statement of local Chaukidar. He further submits that during investigation, no material has come against the petitioner. He further submits that the petitioner is not apprehended on the spot. He further submits that co-accused, namely, Bittu Kumar @ Anurag Kumar has been granted bail vide order dated 07.01.2020 in Cr. Misc. No. 85464 of 2019 by a Coordinate Bench of this Court. Petitioner is in custody since 08.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries six



more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, 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 A.C.J.M.-III, Barh, Patna in connection with Bakhtiyarpur P.S.Case No.489 of 2018 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 cancelled 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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