

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45226 of 2022**

Arising Out of PS. Case No.-15 Year-2022 Thana- NATIONAL HIGHWAY District-
Samastipur

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ABHISHEK KUMAR Son of Binod Sharma @ Vinod Sharma Resident of
Village - Habibpur, P.s.- Baligaon, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mrs.Madhuri Lata

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

2 09-12-2022 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 N.H.
Bangra P.S. Case No. 15 of 2022 registered for the offences
punishable under Sections 399, 402, 467, 468 of the Indian
Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

As per prosecution case, petitioner is alleged to be
found in the possession of one magazine of pistol containing
two live cartridges alongwith one mobile.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.02.2022 and bears criminal



antecedent of one case which is not similar to the present case. He further submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Samastipur in connection with N.H. Bangra P.S. Case No. 15 of 2022, 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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