

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55401 of 2021

Arising Out of PS. Case No.-257 Year-2020 Thana- SITAMARHI District- Sitamarhi

Utkarsh Kumar @ Chhotu @ Chhotu Kumar, S/O Late Ravi Ranjan Singh,
R/o village- Dheng @ Theng, P.S.- Suppi, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sitamarhi P.S. Case No. 257 of 2020 (S.T. No. 120 of 2021) for the offence under Sections 25(1-b)a, 26(ii), 35 of the Arms Act.

The prosecution case is that on search made by the informant one automatic pistol loaded with one cartridge was recovered from co-accused Rahul Singh and Rs.23,500/- was recovered from the possession of this petitioner. One Motorcycle was also recovered.



It is submitted on behalf of learned counsel for the petitioner that nothing incriminating material has been recovered from the possession of this petitioner and his name has come in the instant case only on the basis of suspicion. It is further submitted that co-accused Rahul Singh, on whose possession arms has been recovered, has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No.15118 of 2021 vide order dated 11.08.2021, copy of which is annexed as Annexure-2. The petitioner is in custody since 22.05.2020.

Learned APP for the State opposes the prayer for bail and submits that the petitioner has one criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 22.05.2020 and the similarly situated co-accused has already been granted bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-V, Sitamarhi in connection with Sitamarhi P.S. Case No. 257 of 2020 (S.T. No. 120 of 2021) subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

