

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57477 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

AMARJIT KUMAR DAS @ INDRAJIT @ AMARJIT KUMAR Son of Sunil
Das Resident of Village- Hilolpur, P.S.- Industrial Area, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Prasad

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Industrial P.S.
Case No. 105 of 2021 registered for the offences punishable
under Sections 399, 402 of the IPC and Sections 25(1-b)a, 26/35
of the Arms Act.

The prosecution case, in short, is that the informant
has alleged that accused persons named in the FIR were planing
to commit the offence of dacoity. The police party raided the



place of occurrence and succeeded to catch 4 accused persons out of total 8 miscreants. The country made pistol, live cartridges, mobile phones and motorcycle etc. have been recovered from the possession of accused persons, who were caught at the spot.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that as per FIR, one country made loaded pistol has been recovered from possession of the petitioner. He further submits that as a matter of fact, nothing has been recovered from conscious possession of the petitioner rather the police has planted the same and so in the FIR recovery of one country made loaded pistol has been shown from possession of the petitioner. He further submits that co-accused Manish Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 22.01.2022 passed in Cr. Misc. No. 54673 of 2021. Petitioner is in custody since 26.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Industrial P.S. Case No. 105/2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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