

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58788 of 2021**

Arising Out of PS. Case No.-197 Year-2021 Thana- MOTIPUR District- Muzaffarpur

PAPPU KUMAR @ PAPPU SAH S/o Lakshmeshwar Sah R/o village-
Nonphara Sabaldiha, P.S.- Piar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 07-02-2022 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 through video conferencing.

The petitioner seeks bail in connection with Motipur P.S. Case No. 197 of 2021 registered for the offence under Sections 400, 414, 120(B) and 34 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one loaded country made pistol from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. He further submits that according to the F.I.R. and seizure list, though the recovery of one loaded country made pistol is said to have been made from the possession of the petitioner, but no allegation of commission of any crime is attributed to him. The police after investigation has also submitted charge sheet against the petitioner in this case. Moreover, the co-accused, namely, Umesh Sahani and Ajay Sahani @ Ajay Kumar @ Ajay, having more or less similar allegation, have already been granted bail by this Court vide order dated 05.01.2022 and 10.01.2022 passed in Cr. Misc. No. 51907 of 2021 and Cr. Misc. No. 53436 of 2021 respectively. The petitioner is rotting in judicial custody since 22.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 A.C.J.M.-II, West Muzaffarpur in connection with Motipur P.S. Case No. 197 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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