

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58239 of 2021

Arising Out of PS. Case No.-275 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

ANAND SHANKAR @ ANAND KUMAR @ ANAND KUMAR SINGH
Son of Mukul Singh @ Mukul Kumar Singh Resident of Village - Uma
Nagar, P.S. - Chapra Muffasil, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh,Adv

For the Opposite Party/s : Mr.Ramchandra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-04-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-b)a,26 and 35 of the Arms Act.

The prosecution case, in short, is that on 02.07.2020, the informant has proceeded alongwith constable for wanted culprits and in way of Bintoliya village he found that three persons with two motorcycles were coming from there pointed out to stop the single and during the course of search one loaded



pistol, mobile and motorcycle has been recovered in presence of witnesses and same has also been recovered from the petitioner and from other named Aman Kumar Singh nothing has been recovered and seizure list has also prepared at spot and handed over to the culprits. It is further alleged that the apprehended persons could not reply the satisfactory answer and on the basis of this fact the case has been registered against the petitioner and others.

Learned counsel appearing for the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one country made pistol alongwith one live cartridge was recovered from possession of the petitioner. He further submits that in fact nothing has been recovered from possession of the petitioner rather the police has planted the same and shows that the same has been recovered from possession of the petitioner. He further submits that the similarly situated co-accused person Rakesh Kumar Singh has been granted bail vide order dated 20.01.2022 in Cr. Misc. No.34516 of 2021 by this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the charge has been framed on 17.09.2020 and the petitioner is in custody since 03.07.2020.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eleven more cases other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Muffasil P.S. Case No. 275 of 2020, 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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