

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59787 of 2021

Arising Out of PS. Case No.-145 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Abhijeet Kumar Son of Satya Narayan Singh Resident of Village - Bhagatpur,
P.s.- Ballia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-02-2022 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
Cheriyabariyarpur P.S. Case No. 145 of 2021 registered for the
offences punishable under Sections 25(1-b)a, 26, 35 of the Arms
Act and Section 414 of the Indian Penal Code.

According to prosecution case, during the course of
vehicle checking the informant has seen that on one bike two
persons coming towards them but seeing the police they have



tried to escape from there but the persons who were there on the bike has been apprehended by the police after chase and on search one country made pistol and five live cartridges has been recovered from the possession of Suman Kumar and Abhijeet Kumar (Petitioner).

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. itself that one country made pistol and five live cartridges and mobile has been recovered from the possession of the petitioner. He further submits that the mobile was duly purchased by the petitioner. It is further submitted that charge sheet has been submitted in this case. The petitioner is in custody since 22.07.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail, submitting that petitioner carries four criminal antecedents.

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 Additional Chief Judicial Magistrate (Manjhhal) Begusarai in connection



with Cheriabariyarpur P.S. Case No. 145 of 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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