

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60123 of 2021

Arising Out of PS. Case No.-588 Year-2020 Thana- SHASTRINAGAR District- Patna

Prabhakar Kumar @ Abhishek Kumar @ Sonu S/O Bharat Saw R/O Village-
Jagdishpur, P.S- Pandarak, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application for grant of regular bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Shastri Nagar P. S. Case No. 588 of 2020 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that the Police on secret information raided Shastri Nagar park and arrested five persons including this petitioner, from possession of this petitioner one loaded country-made pistol has been recovered. It is further alleged that other arms and ammunition along with cash and jewellery were also recovered from co-



accused persons.

Learned counsel appearing on behalf of the petitioner submits that no looted material has been recovered from the conscious possession of this petitioner. So far the recovery of arms is concerned, that has been recovered from other co-accused persons but only in order to implicate the name of the petitioner, the recovery has been shown from the possession of this petitioner. It is next submitted that the petitioner is in custody since 01.01.2021, apart from the fact that other co-accused persons having similar allegation, who were apprehended by the Police and recovery has been made from them, have already been granted bail by different Benches of this Hon'ble Court. The copy of the orders have been produced before this Hon'ble Court and the same are kept on record.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that the petitioner is in custody since 01.01.2021 and other accused persons having similar allegation have been granted bail by co-ordinate Benches of this Hon'ble Court, let the petitioner, above named, 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 learned Additional Chief Judicial Magistrate IV, Patna in connection with Shastri Nagar P. S. Case No. 588 of 2020, subject to the condition that one of the bailors will be the close relative 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)

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