

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50980 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- AMARPUR District- Banka

=====

Billa @ Chhotu @ Billa Singh @ Chhotu Singh S/O Diwakar Singh Resident
Of Village- Kathail, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 16-12-2022

The matter has been taken-up through video conference.

Heard learned counsel for the petitioner and learned A.P.P
for the State.

Let the defect(s), as pointed out by the office, be removed
within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 25(1-b)
a/26/35 of the Arms Act.

Allegation is of recovery of one country-made pistol, two
live cartridges from possession of the co-accused, namely,
Pankaj Kumar Shah.

Learned Counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. It is submitted that the petitioner has named in this case only on the confessional statement of co-accused, namely, Pankaj Kumar Sah. It is further submitted that the said Pankaj Kumar Sah has been granted bail *vide* order dated 16.06.2022, passed in Criminal Miscellaneous No. 10277 of 2022, by a Co-ordinate Bench of this Hon'ble Court. It is further submitted that the petitioner was not arrested on the place of occurrence. Further, it is submitted that the petitioner is in custody since 14.06.2022, charge-sheet has been submitted in the case and has antecedent of three cases.

Learned A.P.P for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 273 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 on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

shanu/-

U		T	
---	--	---	--

