

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61236 of 2021

Arising Out of PS. Case No.-169 Year-2019 Thana- BAKHTIYARPUR District- Patna

Banti Kumar @ Rohit Kumar S/o- Ramesh Singh @ Lalu Singh R/o-
Raghopur Purvi, P.S. - Jurawanpur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2022 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 414 of the Indian Penal Code and Section 25(1-b) a/26/27/35 of the Arms Act.

As per prosecution case, it has been alleged by the informant namely A.S.I. Ganga Sagar Singh that on 02.06.2019 during his patrolling duty he got an information that some miscreants have committed robbery and fled away towards Bakhtiyarpur-Patna four lane. On checking near Fuleshwar Petrol Pump, Bakhtiyarpur two persons was apprehended there



who stated their name Guddu Kumar and Rahul Kumar and on being search one loaded country made pistol with live cartridge and mobile was seized from the pocket of Guddu Kumar and one loaded country made pistol with live cartridge has also been recovered from the possession of Rahul Kumar.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and he has been falsely implicated in the present case only on the basis of confessional statement of co-accused Guddu Kumar. Further submits that it appears from the F.I.R. and seizure list nothing has been recovered from the possession of the petitioner. He further submits that no case is made out against the petitioner under the Arms Act. Police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.06.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven 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/- (Rupees 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 Bakhtiyarpur P.S. Case No. 169 of 2019, 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 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 witness, 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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