

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65410 of 2021**

Arising Out of PS. Case No.-927 Year-2019 Thana- SAHARSA SADAR District- Saharsa

PURUSOTTAM KUMAR Son of Yogendra Prasad Yadav @ Yogendra Yadav
Resident of Village- Nawabakhar, P.S.- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 15-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 414 of the Indian Penal Code and Section
25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one country made pistol
along with three live cartridges and one mobile phone and cash.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R. but merely on the basis of confessional
statement of the co-accused, Bijay Thakur, he has been made
accused in this case. He further submitted that some of the co-
accused have already been granted bail by the court below itself



and the another co-accused, Bijay Thakur, who was apprehended from the spot, has already been granted bail by a co-ordinate Bench of this Court vide order dated 28.07.2021 passed in Cr. Misc. No. 24954 of 2021. The petitioner is rotting in judicial custody since 03.06.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Saharsa Sadar P.S. Case No. 927 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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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