

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66090 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- BALIGAON District- Vaishali

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Katta Yadav @ Alok @ Alok Kumar Son of Sadanand Rai Resident of village
- Manohar Patti, P.S.- Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2022 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 a case registered for the

offences punishable under Sections 399, 402, 414, 34 of the

Indian Penal Code and Section 25(1-b)a, 26 and 35 of Arms Act.

Recovery is of one loaded country made pistol and a

live cartridge.

Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been

implicated in the present case only on the basis of confessional



statement of co-accused namely Kamlesh Kumar. He further submits that it appears from the F.I.R. as well as seizure list nothing has been recovered from the conscious possession of the petitioner so there is no case is made out under the Arms Act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Kamlesh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 20.12.2021 passed in Cr. Misc. No. 49620 of 2021. The petitioner is in custody since 11.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Baligaon P.S. Case No. 69 of 2021, G.R. No. 290 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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