

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68094 of 2021

Arising Out of PS. Case No.-361 Year-2021 Thana- MUFFASIL District- West Champaran

Bittu Kumar Son of Sri Bharat Sah Resident of Village - Jagdishpur, Viri
Tola, P.S. - Nautan (Jagdishpur), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2022 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 399, 402, 412, 413, 414 of the Indian Penal Code and Section 25(1-B) (a), 26, 35 of the Arms Act.

According to prosecution case, in short, is that the informant along with other police personnel after getting confidential information reached at the Airport field at Purby Kargahiya and saw that six persons sitting and two motorcycles were parked there and were planning to commit offence of loot,



dacoity. On seeing the police party, all the miscreants tried to flee away, but four of them were nabbed on chase and two of them succeeded in fleeing away. From possession of Bittu Kumar, a country made pistol loaded with a cartridge from his waist and Samsung mobile from his pocket were recovered. From possession of Dashrath Kumar Soni, a country made pistol loaded with four cartridges, a Red Mi mobile and Rs. 700/- were recovered from waist and pocket of pant as well as from possession of Gautam Kumar, Rs. 14,500/- and an Oppo mobile was recovered from his pant and Brijesh Kumar Rs. 10,000/- and a Vivo mobile were recovered from his pocket.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one country made loaded pistol and one live cartridge and Samsung Mobile has been recovered from the possession of the petitioner. Further submits that there is violation of Section 100 of Cr. P.C. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.06.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight



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 Bettiah (Muffasil) P.S. Case No. 361 of 2021, 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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