

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68283 of 2021

Arising Out of PS. Case No.-340 Year-2021 Thana- PAROO District- Muzaffarpur

AKASH KUMAR Son of Bhikhari Das Resident of Village - Dumari
Parmananpur, P.S. - Deoriya, District - Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-05-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 02.09.2021, seeks
regular bail in connection with Paroo P.S. Case No. 340 of 2021
dated 31.08.2021 registered for offences punishable under
Sections 392, 414/34 of the Indian Penal Code and Section
25(1-b)a, 26, 35 of the Arms Act.

Prosecution story in brief is that one loaded country-
made pistol was recovered from the possession of one Santosh
Singh. Nothing was recovered from the possession of the
petitioner. Petitioner was apprehended on the spot. Other co-



accused Dhiraj Kumar, who had snatched the mobile phone of the informant succeeded in fleeing away.

Learned counsel appearing on behalf of the petitioner submits that from bare perusal of the FIR it appears that nothing has been recovered from the possession of the petitioner. The alleged recovery has been made from co-accused Santosh Singh who was possessed with one loaded country-made pistol. Petitioner has no criminal antecedent and he is in custody since 02.09.2021 as such he may be released on bail.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made against the petitioner in the FIR, specific allegation of recovery is from the possession of co-accused Santosh Singh, the mobile phone was snatched by one co-accused Dhiraj Kumar, prima facie it appears that petitioner, who has no criminal antecedent and is in custody since 02.09.2021 has made out a case to be released on bail.

The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM IIIrd-cum- Sub



Judge 3rd West Muzaffarpur in connection with Paroo P.S. Case No. 340 of 2021 dated 31.08.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(vi) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the



petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

Niraj/-

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