

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58867 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- BARURAJ District- Muzaffarpur

Pushp Raj S/O Amrendra Kumar Resident Of Village- Bahilwara Bhual North
P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Sanjay Kumar@ S.K, learned counsel for
the petitioner and learned Additional Public Prosecutor for the
State through video conferencing.

Petitioner seeks bail in a case registered in connection
with Baruraj P.S Case No. 169 of 2021 for the offences
punishable under Sections 414 of the Indian Penal Code and
section 25(1-b) a, 26,35 of the Arms Act.

As per the prosecution case, it is alleged that the
police on a secret information apprehended the petitioner and on
search one Lap-top, mobile phone, one country made pistol and
a live cartridge were recovered from his possession.

Learned counsel appearing on behalf of the petitioner



submits that there is no compliance of section 100 of the code of criminal procedure, apart from the other infirmities. He further submits that nothing has been recovered from possession of the petitioner however, only on account of one past criminal antecedent, he was apprehended on suspicion and thereafter, his name has been implicated in this case, showing recovery from his possession. He next submits that the petitioner is in custody since 02.09.2021, investigation of the crime is already complete and the charge sheet has been submitted and he undertakes that he will fully co-operate till the conclusion of the trial.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that petitioner is found involved in one other identical crime.

Regard being had to the submissions made on behalf of the petitioner and considering the period of custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Muzaffarpur in connection with Baruraj P.S Case no. 169 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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