

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69073 of 2021

Arising Out of PS. Case No.-381 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Umashankar Singh Son of Late Kapil Dev Singh Resident of Village-
Nadokhar, P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay kumar Thakur, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-05-2022 Heard learned counsel for the parties through video
conferencing in view of COVID-19.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody in connection
with Samastipur Mufassil P.S. Case No.381 of 2018 instituted
under Sections 408, 409, 420, 465, 466, 468, 470, 471, 477A,
34, 120(B) of the Indian Penal Code.

The allegation in the FIR is that the petitioner who
was posted at the Samastipur Police Line as a “Helper” from
January 2012 to 08.07.2017 along with the other accused
persons were responsible for the disappearance of 4002 bullets.

Learned counsel for the petitioner submits that after
serving for long with the Bihar Police, he retired and was also



granted all the no dues certificates and is now leading a retired life.

The alleged missing of the cartridges for which the committee inspected and on the basis of which the FIR is being instituted, he did not had any role to play and the overwriting that has been alleged to have been recorded against him in absence of any report, it cannot be attributed to him. He further submits that he is in jail since 20.10.2021 (as stated in para-20 of the bail application).

The FIR has been instituted, the police has investigated the matter and charge sheet stand submitted. The petitioner is in custody since 20.10.2021 and do not have any criminal antecedents and as such this Court is inclined to grant him the privilege of bail, subject to certain conditions in view of the fact that on the basis of the report of the committee serious charges of missing of the cartridges have come to light.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(twenty thousand) with two sureties of the like amount each in connection with Samastipur Mufassil P.S. Case No.381 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate, Vth, Samastipur, subject to following conditions:



(i) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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