

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59241 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- BAUNSI District- Banka

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PRINCE KUMAR @ MITHUN KUMAR SON OF GOPAL YADAV
Resident of Village- Badi Mirzapur, P.S.- Kasim Bazar, District- Munger, At
present Village- Badi Jankipur, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2022 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection
with Bounsi PS case no. 120 of 2022 instituted for the offences
punishable under Sections 25(1-b)a/26/35 of Arms Act.

The petitioner is stated to have been apprehended
by the police on the alleged date and time of occurrence and upon
search, one countrymade loaded pistol and three live cartridges
were recovered from the petitioner while one countrymade loaded
pistol and three live cartridges were recovered from one another
apprehended person namely Himanshu Kumar as also two live
cartridges are stated to have recovered from the co-accused person
namely Niranjana Kr. Yadav.

The learned counsel for the petitioner submits that



the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 30.05.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in six other criminal cases but he is on bail in five of them. It is also submitted that considering the period of incarceration, sympathetic consideration be made for the purposes of grant of bail to the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, I deem it fit and appropriate to admit the petitioner to the privilege of bail, however, subject to certain conditions, on account of the fact that the petitioner is having bad criminal antecedent.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Bounsi PS case no. 120 of 2020.

It is further directed that the petitioner shall mark his



presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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