

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70885 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- BEERPUR District- Begusarai

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AAYUSH RAJ @ AYUSH KUMAR @ ANNI Son of Sri Sunil Kumar
Resident of Village - Patel Colony Sandalpur Ropad, P.S.- Bahadurpur, Distt.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lal Mani Sharma, Adv

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2022 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 in virtual Court proceeding.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 25(1-b)a,26 and 35 of the
Arms Act.

As per prosecution case, four country made pistols
and four live cartridges have been recovered from Goat Farm of
co accused Anil Mahto.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present



case. He further submits that the name of the petitioner has transpired on the basis of disclosure made by of co-accused, namely, Om Prakash. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made from the Goat Farm of co accused Anil Mahto. He further submits that the similarly situated co-accused, namely, Karan Kumar, Khusbhoo @ Anuraga Mahtaon @ Anurag Aanan @ Anurag Anand @ Anurag Mahto, and Anil Kumar Mahton @ Anil Mahton having granted bail by this Court vide order dated 07.02.2022 passed in Cr. Misc. No. 53247 of 2021, Cr. Misc.No. 51170 of 2021 and Cr. Misc. No. 49666 of 2021 and recently co-accused, namely, Om Prakash has also been granted bail by this Court vide order dated 02.03.2022 in Cr. Misc. No.41779 of 2021 and the petitioner is in custody since 21.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case 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/- (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 Birpur P.S. Case No. 169/ 2020, 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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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