

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- JANDAHA District- Vaishali

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PRIYESH KUMAR @ PRIYAS KUMAR Son of Lal Babu Singh Resident of
Village - Bishanpur, Ward No.8, P.s.- Jandaha, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

	Mrs. Soni Srivastava, Adv.
For the Petitioner/s :	Mr.Ravi Bhardwaj, Adv.
For the Opposite Party/s :	Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-05-2022 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 the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 414, 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

One loaded country made pistol along with live cartridges and also a Splendor motorcycle have been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. She further submits that according to the F.I.R and seizure list, one loaded country made pistol along with one another cartridge are said to have been recovered from the possession of the petitioner, but in fact, nothing has been recovered from the conscious possession of the petitioner rather the police has planted the story and shown the recovery from the petitioner's possession. She further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.08.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Jandaha P.S. Case No. 167 of 2021 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 canceled 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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