

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.787 of 2022**

Arising Out of PS. Case No.-279 Year-2021 Thana- RAMPUR District- Gaya

=====

MUKESH KUMAR Son of Late Kishori Yadav Resident of Mohalla-Saheed
Bhagat Singh Colony, P.S.-Rampur, District-Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Akhileshwar Dayal

=====

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 12-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Rampur P.S. Case No. 279 of 2021 registered for the offences
punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, there is alleged recovery
of four live cartridges from possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.08.2021 and bears criminal
history of three cases. Charge sheet has been submitted in the
case and there is no likelihood of tampering the evidence. He
further submits that co-accused Brajesh Dayal Singh @ Brajesh



Dayal @ Brajesh Kumar @ Brajesh Kurmi has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 6862 of 2022 and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 279 of 2021, G.R. No. 4348 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned



Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

