

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1761 of 2022**

Arising Out of PS. Case No.-14 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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PINTU MISHRA @ AMIT KUMAR Son of Late Narayan Das Resident of
Village - Nathnagar, Rajpoot Toal, Noorpur, P.S.- Nathnagar, Distt.-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Session Trial No.313 of 2021 arising out of

Kotwali P.S. Case No.14 of 2021 registered for the offences

punishable under Sections 399 and 402 of the Indian Penal Code

and Sections 25(1-b)a, 26 and 35 of the Arms Act. He is in

custody since 15.09.2021. The petitioner has got no criminal

antecedent.

Learned counsel for the petitioner submits that as per



the prosecution story two live cartridges have been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no recovery from the conscious possession of the petitioner. It is submitted that the petitioner has remained in custody for over six months having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that two live cartridges have been recovered from the possession of the petitioner, the petitioner has no criminal antecedent and has remained in custody in connection with this case for over six months, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-Xth, Bhagalpur in connection with Session Trial No.313 of 2021 arising out of Kotwali P.S. Case No.14 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

