

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2113 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- KARJA District- Muzaffarpur

Viraj Kumar @ Monu, Son of Sri Dinesh Rai, R/V- Barauna, P.S- Karja, Dist-
Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party	:	Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Karja P.S. Case No. 260 of 2022 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.

The police on a secret information that three persons are moving on a motorcycle in a suspicious manner, intercepted them and in course of search one loaded country made pistol and a live cartridge was recovered from the possession of the petitioner.

Submission of complete denial of recovery has been made on behalf of the petitioner and drawn the attention of this



Court towards the seizure list showing that there is no independent witness to the seizure. Further submission has been made that the petitioner has no concern with the allegedly stolen motorcycle seized in connection with the present case, apart from the fact that the petitioner is in custody since 17.09.2022 and after completion of investigation, charge-sheet has already been submitted. It is next submitted that the implication of the petitioner is on account of his past criminal antecedent, as the petitioner is carrying three other criminal cases over his head.

On the other hand, learned APP for the State opposes the bail application and submits that the loaded country made pistol has been recovered from the possession of the petitioner and his antecedent shows that he is a habitual offender.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that charge-sheet has already been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Karja P.S. Case No. 260 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions



which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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