

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3901 of 2023

Arising Out of PS. Case No.-246 Year-2022 Thana- SARSI District- Purnia

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AMIT KUMAR S/O SUDHIR KUMAR JHA @ SUDHIR CHANDRA JHA
Resident of village- Chikani Ward NO.- 5, P.S.- Sarsi District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mrs.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
13.10.2022 in connection with Sarsi P.S. Case No. 246 of 2022,
F.I.R. dated 13.10.2022 registered for the offence punishable
under Section 307 of IPC and Sections 25(1-b)A/26/35/27 of the
Arms Act.

The case relates to recovery of one loaded country
made pistol, one empty cartridge and one mobile phone from
possession of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits that it appears from the FIR as well as
the seizure list that one loaded country made pistol, one empty



cartridge and one mobile phone have been recovered from possession of the petitioner. In fact nothing has been recovered from conscious possession of the petitioner rather the police has planted the same and shown that the recovery has been made from possession of the petitioner. Further submits that there is non-compliance of Section 100 of Cr. P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, 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 Judicial Magistrate, 1st Class, Purnea in connection with Sarsi P.S. Case No. 246 of 2022, 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.

(3) 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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