

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6101 of 2023**

Arising Out of PS. Case No.-401 Year-2022 Thana- JAMUI District- Jamui

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Guddu Kumar @ Guddu Rawat Son of Bijay Rawat R/O Village - Agahara,
P.S.-Jamui, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 02-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
06.08.2022, in connection with Jamui P.S. Case No. 401 of
2022, F.I.R. dated 05.08.2022 registered for the offences
punishable under Sections 399, 402, 120(B)/34 of the Indian
Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.

The case relates to recovery of one loaded pistol and
one mobile.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that from bare perusal of the
F.I.R. as well as seizure list it appears that one loaded country
made pistol and one mobile was recovered from the possession



of the petitioner. He further submits that there is non-compliance of Section 100 of the Cr. P.C. and in fact nothing has been recovered from the conscious possession of the petitioner rather the police has planted the same and shown that the recovery has been made from the possession of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail 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, Jamui in connection with Jamui P.S. Case No. 401 of 2022, subject to 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 absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 antecedents, 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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