

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13873 of 2023

Arising Out of PS. Case No.-255 Year-2022 Thana- RAMGARH District- Kaimur (Bhabua)

VINIT KUMAR @ GOLU S/o Dharmendra Singh R/o Village- Panapur, P.S.-
Mohaniya, Distt- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 19.07.2022, in connection with Ramgarh P.S. Case No. 255 of 2022, F.I.R. dated 18.07.2022 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

The case relates to recovery of two loaded country made *katta*, two live cartridges, Rs. 50,000/- and one mobile from the possession of the petitioner.

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 it appears from the F.I.R. as well as seizure list that two country made Katta, two live



cartridges, Rs. 50,000/- and one mobile have been recovered from the possession of the petitioner. Learned counsel for the petitioner further submits that in fact nothing has been recovered from the 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 there is non compliance of Section 100 of the Cr. P.C.. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.07.2022.

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 seven more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that out of seven cases, the petitioner is on bail in six cases except one case. .

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 Additional Chief Judicial Magistrate, Kaimur at Bhabua in connection with Ramgarh P.S. Case No. 255 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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