

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15009 of 2023

Arising Out of PS. Case No.-680 Year-2022 Thana- DUMRA District- Sitamarhi

ANUJ RAI @ ANUJ KUMAR S/O LATE HARI GOVIND RAI R/V-
Rajopati, Ward No.-8, P.S.- Mehsaul, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Murari, Adv.

For the Opposite Party/s : Mr.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 399 and 402 of the Indian Penal
Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The petitioner is apprehended having unlawful
possession of one loaded country made pistol loaded.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that it appears from the F.I.R. and the
seizure list that nothing incriminating has been recovered
from the possession of the petitioner rather the alleged



recovery of one loaded country made pistol has been made from the co-accused, Raja Kumar therefore, no case attracting sections of Arms Act is made out against the petitioner. He further submits that similarly situated co-accused, Kamod Kumar, has already been granted bail by a co-ordinate Bench of this Court vide order dated 02.05.2023 passed in Cr. Misc. No. 9693 of 2023 and the case of this petitioner stands on better footing. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 27.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 680 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 canceled 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.

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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