

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16793 of 2023

Arising Out of PS. Case No.-364 Year-2022 Thana- KUMAR KHAND District- Madhepura

SHRAWAN KUMAR @ SARWAN KUMAR Son of Mahadev Prasad Yadav
@ Mahadev Yadav @ Mahadev Jadav R/V- Parihari Ward No. 4, P.S-
Kumarkhand (Belari O.P) Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.10.2022 in connection with Excise No.717/2022, arising out
of Kumarkhand P.S. Case No.364/2022, F.I.R. dated 22.10.2022,
for the offences punishable under Sections 399, 402 of the IPC
& Section 25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, one country made
loaded pistol and one mobile phone have been recovered from
the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that it appears from the F.I.R. as well as seizure



list that one loaded country made pistol and one mobile phone has been recovered from the possession of the petitioner. He further submits that there is non-compliance of Section 100 Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.10.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned A.D.J.-V-cum-Special Judge, Excise Act, First, Madhepura in connection with Excise No.717/2022, arising out of Kumarkhand P.S. Case No.364/2022, 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 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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