

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17181 of 2023

Arising Out of PS. Case No.-348 Year-2022 Thana- LAXMIPUR District- Jamui

BIRENDRA DAS Son of Ganesh Das R/V- Gobardaha, PS- Laxmipur Dist-
jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
19.10.2022 in connection with Laxmipur P.S. Case
No.348/2022, F.I.R. dated 19.10.2022, for the offences
punishable under Sections 25(1-b)A and 26 of the Arms Act.

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



further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the joint house 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 the charge sheet against the petitioner and the petitioner is in custody since 19.10.2022.

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 two criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that out of two cases, the petitioner has been acquitted in one case and in another case, the petitioner is on bail.

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 Sri Sanjeev Kumar, J.M.1st Class, Jamui, in connection with Laxmipur P.S. Case No.348/2022, 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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