

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21003 of 2023**

Arising Out of PS. Case No.-3 Year-2023 Thana- KINJAR District- Jehanabad

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Muskan Kumari @ Munni Kumari D/O Sachidanand Singh Resident Of  
Village- Jamanganj, P.S- Makhdumpur, Distt.- Jehananbad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate  
For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

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

3      20-07-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since  
11.01.2023 in connection with Kinjar P.S. Case No. 03 of 2023,  
F.I.R. dated 11.01.2023 for the offences punishable under  
Sections 25(1-B)a, 26, 35 of the Arms Act.

3. Recovery is of four country made pistol, one  
Magazine and cash Rs.13,240/- from the possession of the  
petitioner.

4. Learned counsel for the petitioner submits that  
petitioner has clean antecedent and she 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 four country made  
pistol, one Magazine and cash Rs.13,240/- have been recovered



from the possession of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather the police has planted the same and shown the recovery from the possession of the petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 11.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. 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 S.D.J.M., Arwal in connection with Kinjer P.S. Case No. 03 of 2023, 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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