

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23213 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- SITAMARHI District- Sitamarhi

BITTU KUMAR S/O BABLU RAM @ BHAGALU RAM R/O Ambedkar
Mohalla, Purani Bazaar, Ward No. 9, P.S- Sitamarhi, Distt.- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 35 of 2023 registered for the offence
under Sections 399 and 402 of the Indian Penal Code and
25(1-b)A, 26 and 35 of the Arms Act.

The petitioner is apprehended having unlawful
possession of one iron fighter and a bullet bearing 8 mm and
Rs. 1.10 Lakh cash has also been recovered from the house of
the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that it appears



form the F.I.R. and the seizure list that one iron fighter and a bullet bearing 8 mm have been recovered from the conscious possession of the petitioner and cash of Rs.1,10,000/- has been recovered from his house. He further contends that, in fact, nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery has been planted with ulterior motive. He further submits that Section 100 of the Cr.P.C. has not been complied by the prosecution while preparing the seizure list. 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 13.01.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

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, Bihar in connection with Sitamarhi P.S. Case No. 35 of 2023 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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