

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26309 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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ADITYA SINGH @ KALLU SINGH @ ADITYA KUMAR Son of Late
Suresh Singh @ Suresh Kumar Singh Resident of Village - Dumariya, P.S.-
Dumariyaghat, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Pd. Singh, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
03.02.2023 in connection with Dumariyaghat P.S. Case No.
31/2023, F.I.R. dated 02.02.2023, for the offences punishable
under Sections 399 and 402 of the IPC & Section 25(1-b) a, 26
and 35 of the Arms Act.

According to prosecution case, one country made
pistol, arms and mobile were recovered from the possession of
the co-accused, namely, Anuj Kumar Singh.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case only on
the basis of disclosure made by the co-accused, namely, Anuj



Kumar Singh. He further submits that the petitioner was not apprehended on the spot and nothing has been recovered from conscious possession of the petitioner. He further submits that except the disclosure made by the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 03.02.2023.

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.

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 C.J.M., Motihari in connection with Dumariyaghat P.S. Case No. 31/2023, 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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