

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27159 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- SHANKARPUR District- Madhepura

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ASHUTOSH KUMAR SON OF UMESH KUMAR SHARMA @ UMESH
SHARMA R/O VILLAGE- RAJBHIR, WARD NO.08, P.S.-
SHANKARPUR, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar, 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 the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Shankarpur P.S. Case No. 183 of 2022 dated 20.10.2022
registered for the offence under Sections 392 of the Indian
Penal Code and charge-sheet has been submitted under
Section 392 of the Indian Penal Code and Section 25(1-b)(a),
26, 27 and 35 of the Arms Act.

On the point of pistol, two mobiles of the informant
has been looted away by the two unidentified persons.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He



further submits that the name of this petitioner surfaced in this case on the basis of disclosure made by the apprehended accused, namely, Mukesh Kumar @ Balgovind and thereafter, self confession of the petitioner has been recorded before the police which led to recovery of one country made pistol from the open field. 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 23.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Additional Chief Judicial Magistrate-1, Madhepura in connection with Shankarpur P.S. Case No. 183 of 2022 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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