

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26363 of 2023**

Arising Out of PS. Case No.-688 Year-2022 Thana- KANTI District- Muzaffarpur

PRINCE KUMAR Son of Uday Prasad @ Uday Kumar Resident of village-
Kanti Kothia, P.S.-Kanti, District-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

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

3 19-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
05.11.2022 in connection with Kanti P.S.Case No.688 of 2022,
F.I.R. dated 11.10.2022 registered for the offence punishable
under Sections 25(1-b),26,35 of Arms Act.

3. The case relates to recovery of one country made
pistol wrapped under a white polythene was found with one
cartridge loaded in Magazine and another empty magazine.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in the present case. Further submits that on the basis
of the confessional statement of the petitioner which was
recorded in Kanti P.S.Case No.662 of 2022, one country made



pistol wrapped under a white polythene was found with one cartridge loaded in Magazine and another empty magazine recovered from possession of the petitioner. Learned counsel for the petitioner submits that it appears from the FIR as well as the seizure list that nothing has been recovered from possession of the petitioner rather the recovery has been made from the house of co-accused, namely, Sachin Kumar and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.11.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one, but fairly submits that out of three cases, the petitioner is on bail in one case and rest two cases are pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned Judicial Magistrate-1st Class, West, Muzaffarpur in connection with Kanti P.S.Case No.688 of 2022,,with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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