

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29161 of 2023**

Arising Out of PS. Case No.-300 Year-2022 Thana- MOTIPUR District- Muzaffarpur

AJAY KUMAR Son of Ganesh Ram Resident of village - Kaparpura, P.S. -  
Kanti, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs. Bela Singh, Adv.  
For the Opposite Party/s : Mr. Anil Kumar, APP

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

2      25-05-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
19.08.2022 in connection with S. Tr. No.77/2023, arising out of  
Motipur P.S. Case No.300/2022, G.R. No. 2648/2022, F.I.R.  
dated 18.08.2022, for the offences punishable under Sections  
399, 400, 401, 402 of the IPC & Section 25(1-B)a, 26 of Arms  
Act.

According to prosecution case, two live cartridges are  
said to have been recovered from the possession of the  
petitioner.

Learned counsel for the petitioner submits that the  
petitioner 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 two live cartridges have been recovered from the possession of the petitioner and there is non-compliance of Section 100 of the Cr.P.C. and the co-accused, from whose possession, one loaded country made pistol was recovered has been granted bail by a co-ordinate Bench of this Court vide order dated 03.04.2023 passed in Cr. Misc. No. 1427/2023 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.08.2022.

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 Additional Sessions Judge-20th, Muzaffarpur in connection with S. Tr. No.77/2023, arising out of Motipur P.S. Case No.300/2022, G.R. No. 2648/2022, 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)**

amit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

