

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27723 of 2023

Arising Out of PS. Case No.-584 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Badal Kumar @ Dhanush Kashyap Son Of Santosh Singh Resident Of Village
Sain Pati Ram Rai Tola P.S. Kanti, District Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan,Advocate
For the Opposite Party/s : Mr.Rabindra Kumar,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 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
30.09.2022 in connection with Muzaffarpur Sadar P.S. Case
No. 584 of 2022, F.I.R. dated 29.09.2022 registered for the
offence punishable under Section 412 of IPC and Sections
25(1-b)a,26/35 of the Arms Act.

3. Recovery is of altogether 1,50,000/- rupees, one
loaded country made pistol, two live cartridges and one
mobile phone from possession of the petitioner.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that from bare perusal of the



FIR as well as the seizure list that altogether 1,50,000/- rupees, one loaded country made pistol, two live cartridges and one mobile phone have been recovered from possession of the petitioner. Learned counsel for the petitioner submits that it appears from the seizure list itself that there is non-compliance of Section 100 of Cr. P.C. and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 30.09.2022.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits that out of four cases, the petitioner is on bail in three cases and rest one case is 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 Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 584 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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