

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29366 of 2023

Arising Out of PS. Case No.-881 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Kishlay Kumar Son of Late Manoj Kumar Resident of Mohalla - Bajrang
Vihar, Kolhra Bairia, P.S.- Ahiyapur, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 04.10.2022 in connection with Ahiyapur P.S. Case No. 881 of 2022, F.I.R. dated 03.10.2022 for the offences punishable under Sections 399, 402, 414, 467, 468, 471, 420 and 120B of the Indian Penal Code and Section 25(1-b)a, 26, 25 (1-AA) and 35 of the Arms Act.

3. According to prosecution case, one carbine, 3 cartridges, one pistol, 11 magazines, 12 live cartridges, mobile phone and number of aadhar cards and other incriminating articles have been recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. He further submits that it appears from the F.I.R that the petitioner was arrested along with one carbine, 3 cartridges, one pistol, 11 magazines, 12 live cartridges, mobile phone and number of aadhar cards and other incriminating articles have been recovered from the house of the petitioner. He further submits that there is non-compliance of Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.10.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that huge arms and ammunition have been recovered from the possession and house of the petitioner and apart from the aforesaid, the petitioner carries five criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in three cases out of five cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge, if not framed** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 881 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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