

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31783 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- GANGTA District- Munger

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Bittu Kumar Son of Guddu Modi @ Guddu Kumar, Resident of Village-
Pachna Road (in front of Bharat Mata), P.S.- Kabaiya, district- Lakhisarai
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate
For the Opposite Party : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Manoj Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Gangta P.S. Case No.47 of 2022 registered for the offences punishable under Sections 394/411 of the Indian Penal Code and Sections 25(1-b)a/26(i)(ii)/35 of the Arms Act.

On receipt of information regarding involvement of some miscreants in commission of loot, the police raided the place of occurrence. However, on noticing the police party, three persons, including the petitioner, after leaving stolen motorcycle trying to flee away, who subsequently apprehended with the help of villagers and from the possession of the petitioner two live cartridges of .315 bore and cash of Rs.1,000/- were recovered.

Learned counsel appearing on behalf of the petitioner



submits that the motorcycle, which is said to have been recovered from the possession of the miscreants, does not belong to the petitioner and moreover the seizure list witnesses are non-else, but the police personnel. He next submits that the victim of this crime, namely, Arbind Kumar Arya, is neither the informant nor the seizure list witness of the case. The petitioner is in custody since 23.03.2022 and charge-sheet has already been submitted much earlier in the crime.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is carrying one criminal antecedent of similar nature.

Regard being had to the submissions made on behalf of the parties and considering the recovery of two cartridges and some cash, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Munger in connection with Gangta P.S. Case No.47 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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