

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34093 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- SHRIKRISHNAPURI District- Patna

ANIL KUMAR @ ANIL RAI @ ANIL MAHTO Son of Late Ramashish Mahto Resident of Mohalla- Math Laxmanpur, Koiri Tola, P.S.- Alamganj, District- Patna, Presently residing near Deepu Public School as tenant, P.S.- Jakkanpur (Mithapur), district- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 25.05.2022 in connection with Sri Krishnapuri P.S. Case No. 201 of 2022, F.I.R. dated 24.05.2022 for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

Recovery is of one country made pistol and one live cartridge from the possession of the petitioner.

Earlier the petitioner moved before this Hon'ble Court for regular bail vide Cr. Misc. No. 63045 of 2022 and the same was withdrawn with liberty to file a fresh bail application vide order dated 11.04.2023. Thereafter, petitioner has file fresh bail application before this Hon'ble Court.



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. as well as seizure list that one country made pistol and one live cartridge has been recovered from the possession of the petitioner. He further submits that similarly situated, co-accused, namely, Anil Kumar @ Anil Rai, Sonu @ Sonu Kumar @ Durupaywa have been granted bail by this Court vide order dated 11.04.2023 passed in Cr. Misc. No. 63045 of 2022 another co-accused namely, Sonu @ Sonu Kumar Durupaywa has been granted bail by this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 32759 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 25.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eight criminal antecedents other than the present one, in which petitioner is on bail in all the cases as mentioned in para-3 of the bail petition.

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-XIII, Patna in connection with Sri Krishnapuri P.S. Case No. 201 of 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)

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