

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32933 of 2022

Arising Out of PS. Case No.-487 Year-2021 Thana- GHOSI District- Jehanabad

SHYAM DEO KUMAR SON OF SATYADEV PRASAD Resident of
Village-Balram Sarai, P.S.-Ghoshi, District-Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Jai Narayan Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-02-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that the informant raided the house of the petitioner Shyam Deo Kumar in regard to Jehanabad Town P.S. Case No. 685 of 2021 and arrested him, who confessed that the arms and ammunition used in commission of offence, has been kept by the accused petitioner in Excellent coaching Centre, Bairam Saria and on the confessional statement



of the petitioner, arms and ammunition were recovered from the Excellent Coaching Centre.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the possession of the petitioner rather recovery has been made from a room of Excellent Coaching Centre, Bairam Sarai and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person and the petitioner. He further submits that co-accused person namely Ajit Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 11.01.2023 in Cr. Misc. No. 33207 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.01.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ghoshi P.S. Case No. 487 of 2021, with 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 witness, 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 antecedents, 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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