

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33207 of 2022

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

Ajit Kumar, S/o Late Moti Mistari R/o village- Amthua, P.S.- Kako, Distt.-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj

For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 11-01-2023 This case is listed for hearing out of turn on

account of mentioning that the mother of the petitioner is

seriously ill and she requires treatment at AIIMS, Patna.

Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Ghoshi

P. S. Case No. 487 of 2021, registered for the offences

punishable under Sections 25 (1-b), 26 and 35 of Arms Act,

1959.

The prosecution story as emerges from the FIR is

that on 12.11.2021 at about 11.15 P.M., the informant

being S.I. of Jehanabad Town Police Station raided the



house of an accused Shaymdeo 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. It is further alleged that on the basis of confessional statement of co-accused Shyamdeo Kumar, arms and ammunition were recovered from the Excellent Coaching Centre.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the name of the petitioner transpires only in the confessional statement of the co-accused that seized arms and ammunition were concealed by the accused-petitioner. As such, there is no recovery from the conscious possession of the petitioner nor there is any other recovery at the instance of petitioner.

He further submits that the petitioner has been languishing in jail since 18.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made



accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M. III, Jehanabad, in connection with Ghoshi P. S. Case No. 487 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

It is made clear that in case the ground of out of



turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the Court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

(Jitendra Kumar, J)

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