

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34929 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- DHANGAI District- Gaya

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Kundan Kumar @ Chhotu S/O Lalan Yadav R/O Village- Turi Tola,
Barbaduari, P.S.-Hariharganj, Dist.-Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 18.12.2022 in connection with Dhangai P.S. Case No. 92 of 2022, F.I.R. dated 17.12.2022 for the offences punishable under Sections 25(1-a), 25(1-b), 25(1-aa), 26 and 35 of the Arms Act, Section 3/4 of the Explosive Substance Act and Section 13, 16, 17 and 20 of Unlawful Activities (Prevention) Act.

4. Recovery is of 37 live cartridges from the possession of the petitioner.

5. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. She further submits that from perusal of the F.I.R. as well as seizure list altogether 37 live cartridges have been recovered from the possession of the petitioner. He further submits that other arms and ammunition have been recovered from the other accused person, namely, Abhijit Yadav @ Banwari. 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 18.12.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. 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 Judicial Magistrate 1st Class, Sherghati, Gaya in connection with Dhangai P.S. Case No. 92 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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