

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36724 of 2023

Arising Out of PS. Case No.-110 Year-2022 Thana- MAHINDWARA District- Sitamarhi

SHIVAM KUMAR @ BHUJALI S/O SATYENDRA SINGH R/O Village-
Korlahiya Mansingh Ward No. 6, P.S- Mahindwara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 17.07.2022, in connection with Mahindwara P.S. Case No. 110 of 2022, F.I.R. dated 16.07.2022 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. The case relates to recovery of one country made pistol loaded with a live cartridge.

4. 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 one country made pistol loaded with a live cartridge has been recovered from the possession of



the petitioner. He further submits that there is non compliance of Section 100 of the Cr. P.C. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.07.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that recovery has been made from the possession of the petitioner and petitioner also carries six more cases other than the present one.

6. 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 Judicial Magistrate 1st Class, Sitamarhi in connection with Mahindwara P.S. Case No. 110 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



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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