

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37692 of 2023

Arising Out of PS. Case No.-796 Year-2022 Thana- PATRAKARNAGAR District- Patna

Bittu Kumar, aged about 40 years, Male, S/o Sanjay Thakur, R/o Mohalla-
Bhootnath, Housing Colony L.I.G. Block No. 3, P.S.-Agamkuan, Dist.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rudra Deo, Advocate
For the Opposite Party	:	Mr. Nagendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2.The petitioner seeks bail in connection with Patrakar
Nagar P.S. Case No. 796 of 2022 dated 08.12.2022, instituted
for the offence punishable under Sections 25(1-b)a, 26 & 35 of
the Arms Act.

3.Allegation is of recovery of one countrymade pistol,
17 live cartridges, 03 fired cartridge and one mobile from the
possession of the petitioner.

4.Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that the petitioner is not the owner
of the auto and he has no concern with the other accused per-
sons. It is also submitted that seized article was not sealed on



spot as such, entire prosecution case is suspicious. Lastly, it has been submitted that the petitioner is in custody since 09.12.2022, charge-sheet has been submitted in the case and he has one criminal antecedent against him.

5.Learned A.P.P. has opposed the prayer for bail of the petitioner.

6.Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., Patna in Patrakar Nagar P.S. Case No. 796 of 2022, subject to the following conditions:-

*(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.*¹⁴

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused



in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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