

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45616 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- TARARI District- Bhojpur

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KUSH KUMAR @ BAJA S/O UJAGIR SAH R/O- Village- Charpokhari,
P.S- Charpokhari, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 09.03.2023 seeks
bail, in connection with Tarari P.S. Case No. 47/2023, dated
08.03.2023, for the offences punishable under Sections 25(1-
b)a, 26 and 35 of the Arms Act.

3. According to prosecution case, one country made
pistol and one live cartridge is said to have been recovered from
the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner has has falsely been implicated in the present case. He
further submits that from perusal of the F.I.R. as well as seizure
list, it appears that one country made pistol and one live
cartridge has been recovered from left side of waist of the



petitioner and there is non-compliance of Section 100 of the Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 09.03.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried five criminal antecedent other than the present one.

6. 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 J.M.1st Class, Bhojpur at Ara in connection with Tarari P.S. Case No. 47/2023, 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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