

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46508 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BAUNSI District- Banka

BINOD KUMAR Son of Arvind Mandal Resident of village - Kushiya
Varan Tola, P.S. - Bounsi, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Pranav Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 31.01.2023 in connection with Bounsi P.S. Case No. 28 of 2023, corresponding to G.R.No.303 of 2023, F.I.R. dated 30.01.2023 registered for the offence punishable under Sections 25(1-b)a/26/35 of the Arms Act.

3. The case relates to recovery of one country made pistol loaded with one live cartridge from possession of the petitioner.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list that one country made pistol and one



live cartridge have been recovered from possession of the petitioner and there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 31.01.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Banka in connection with Bounsi P.S. Case No. 28 of 2023, corresponding to G.R.No.303 of 2023, with 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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