

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47228 of 2023

Arising Out of PS. Case No.-536 Year-2022 Thana- BAHADURPUR District- Darbhanga

Virat Singh @ Rajan Raj @ Raja Kumar Singh Son Of Sri Praveen Kumar @
Praveen Kumar Singh R/O-Ward No. 48, House No. H195, Housing Board
Colony Laheriasarai, P.S.-Bahadurpur, Distt.-Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Bahadurpur PS Case No. 536 of 2022, registered for the offences punishable under Sections 25(1-B)A, 26 of the Arms Act.

3. According to the FIR, on secret information, the informant being Sub-Inspector at Bahadur PS along with police force reached at the Housing Colony and they saw a mob was present there. It is further alleged that one Gopal Kumar Jha from the mob told the informant that this petitioner was caught with country made pistol, but he fled away taking the advantage of crowd.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case due to ulterior motive. He further submits that as per the FIR one fire arm fell from the waist of this petitioner while he was fleeing away, but, it is unbelievable that a person managed to flee away from the place of occurrence from the clutch of crowd of people. In fact, petitioner was not present at the place of occurrence.

5. Learned APP for the State, on the other hand vehemently opposes the prayer for bail and submits that there is allegation against this petitioner that he fled away from the place of occurrence and petitioner carries two criminal antecedents, but he fairly submits that in both the cases he is on bail, as stated in para 3 of the bail application.

6. Considering the aforesaid facts, let the petitioner above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Sub-Divisional Judicial Magistrate, Darbhanga in connection with Bahadurpur P.S. Case No. 536 of 2022, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure and with
further 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 absence on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witness, in that case, 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 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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