

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50714 of 2023

Arising Out of PS. Case No.-682 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

Dularchand Kumar @ Amit Kumar Son Of Janardan Chauhan Resident Of
Village- Utarthu, P.S- Bind, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Sharma, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 31.12.2022, in connection with Laheri P.S. Case No. 682 of 2022, F.I.R. dated 30.12.2022 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 one live cartridge from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent 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 live cartridge has been recovered from the pocket of the petitioner



and there is non compliance of Section 100 of the Cr. P.C. He further submits that co-accused Santosh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 21247 of 2023 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 31.12.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Laheri P.S. Case No. 682 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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