

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52875 of 2022

Arising Out of PS. Case No.-404 Year-2019 Thana- GORAUL District- Vaishali

Kundan Kumar Son Of Late Ram Chandra Kumar @ Ram Chandra Chaudhri
R/O Village - Majhauri, P.S.- Bidupur, District- Vaishali (HAJIPUR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh,Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 13-03-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 399, 402 of IPC and Sections 25(1-b) a/26/35 of Arms Act.

As per the prosecution case, one loaded country-made pistol alongwith one live cartridge have been recovered from possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that one



loaded country-made pistol alongwith one live cartridge have been recovered from possession of the petitioner. Further submits that the similarly situated co-accused person, namely, Ravi Shankar Mishra @ Ravi Mishra has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 13.04.2021 passed in Cr. Misc. No.6375 of 2021 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.11.2019.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven more cases other than the present one but fairly submits that the petitioner is on bail in all the cases except Raja Pakar P.S.Case No.65 of 2018 as mentioned in para-3 of the bail petition.

Considering the aforesaid facts, period of custody and similarly situated co-accused person, namely, Ravi Shankar Mishra @ Ravi Mishra has been granted bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (TenThousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Goraul P.S. Case No. 404 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her 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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