

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52901 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- AURAI District- Muzaffarpur

DEEPAK KUMAR S/O PRABHU RAI R/O VILLAGE- PANAPUR, TOLE-
AIRIYA, P.S.- AURAI, DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arinjay Kumar, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public Prosecutor
for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Petitioner seeks bail in a case registered for the offence
punishable under Sections 25(1-b) a/26/35 of the Arms Act.

According to prosecution case, the informant received
secret information that three persons armed with weapon were
drinking toddy in the land of Md. Jaffar. Thereafter, the informant
along with other police personnel reached there then on seeing the
police party, the accused persons tried to escape but on chase, they
were apprehended by the police. On being searched, one country
made pistol was recovered from the possession of co-accused



namely, Akhilesh Kumar Yadav, a live cartridge was recovered from the possession of co-accused namely, Mikky Thakur @ Mikky Mause and a live cartridge was also recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that one live cartridge was recovered from the possession of the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.03.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Court below where the case is pending in connection with Aurai P.S. Case No. 58/2022, 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 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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