

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62111 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- DESARI District- Vaishali

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PRAKSH KUMAR son of Uday Kumar Yadav @ Panchu Rai, R/o Village-
Paharpur P.S- Jurawanpur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2023 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
14.02.2023 in connection with Desri P.S.Case No. 56 of 2023,
F.I.R. dated 14.02.2023 registered for the offence punishable
under Sections 414 of IPC and Sections 25(1-B)A/26/35 of
Arms Act.

3. The case relates to recovery of one country made
pistol and three live cartridges 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 a bare perusal of the FIR
as well as the seizure list that one country made pistol and three
live cartridges 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 14.02.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from possession of the petitioner and apart from the aforesaid the petitioner carries seven more cases other than the present one but fairly submits that out of seven cases, in two cases, the petitioner has been acquitted and in four cases, the petitioner is on bail and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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, Vaishali at Hajipur in connection with Desri P.S.Case No. 56 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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