

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62863 of 2022

Arising Out of PS. Case No.-199 Year-2022 Thana- GOVINDPUR District- Nawada

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DHARMENDRA KUMAR Son of Shri Mahendra yadav @ Mahendra Prasad
Resident of Village - Galwati, Police Station- Satgawan, District - Koderma
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava
For the Opposite Party/s : Mrs.Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Govindpur P.S. Case No. 199 of 2022 registered for the offences
punishable under Sections 25(a), 1(a), 1(aa) 1(ab) ab 26(i) (2)
and 35 of the Arms Act.

As per prosecution case, there is alleged recovery
of one musket (firearm) and ten live cartridges from possession
of present petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 14.06.2022. Charge sheet has been
submitted in the case and there is no likelihood of tampering
with the prosecution evidence. Counsel of the appellant



submitted through 3rd supplementary affidavit that petitioner bears criminal antecedent of four cases out of which two cases have been registered before lodging the present case. He further submits that petitioner has not committed any such type of offence as alleged in the FIR rather he has falsely been implicated in the instant case. He further submits that delay of trial is not attributable to the present petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

The learned trial court vide its letter no. 154/23 dated 20.04.2023 has reported that case is fixed on 27.04.2023 for framing of charge.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Nawada in connection with Govindpur P.S. Case No. 199 of



2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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