

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59889 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- BHELDI District- Saran

=====

Brij Bhushan Kumar Singh @ Bittu Kumar S/O Tarun Singh R/O Village-
Jhouwan Tola, P.S- Awatar Nagar, Distt.- Saran, Wrongly Mentioned In Fir
Resident Of Village- Mahrua, P.S- Bheldi, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Muskan Singh, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Ms. Muskan Singh, learned counsel for the

petitioner and Mr. Rajendra Singh, learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Bheldi P.S. Case No. 161 of 2023, F.I.R. dated
01.06.2023 registered for the offences punishable under
Sections 379/34 of the Indian Penal Code and Sections 25(1-b)a,
26 of the Arms Act.

3. The case relates to recovery of a cartridge and a
knife.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case on the basis of disclosure made by
co-accused persons namely Ayush Singh and Atul Kumar



Mishra. He further submits that it appears from the F.I.R. that no arms and ammunition have been recovered from the possession of the petitioner rather recovery has been made from the possession of co-accused persons and hence no case is made out under the Arms Act against the petitioner and no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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, Saran at Chapra in connection with Bheldi P.S. Case No. 161 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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)

Ibrar//-

U		T	
---	--	---	--

