

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57400 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- KOTWALI District- Munger

1. Amit Kumar Son Of Bhaso Yadav R/O Village/Muhalla- Lal Darwaja, P.S.- Kotwali, Distt.- Munger
2. Rohit Kumar Son Of Suresh Yadav R/O Village/Muhalla- Mirchi Talab, P.S.- Kotwali, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 25(1-b)a/26(I)(II)/35 of the Arms Act.

The prosecution case, in short, is that one country made pistol with one live cartridge was recovered from possession of petitioner Amit Kumar and one country made Masket and five live cartridges was recovered from possession of petitioner Rohit Kumar.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR as well as



seizure list that one country made pistol with one live cartridge has been recovered from possession of petitioner Amit Kumar and one country made pistol and five live cartridges have been recovered from possession of petitioner Rohit Kumar. Further submits that there is non-compliance of Seciton 100 of Cr. P.C. and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 07.04.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners. Further submits that the petitioner No.1 carries three more cases and petitioner No.2 carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Kotwali P.S.Case No. 145 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Nitesh/-

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

