

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61672 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- PATEPUR District- Vaishali

PINTU KUMAR S/O SRI MUKESH SINGH R/O VILLAGE- LAGAN
CHOWK KHESRAHI, WARD NO. 5, PS. PATEPUR, DIST. VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 21.07.2023, in connection with Patepur P.S. Case No. 177 of 2023, F.I.R. dated 20.07.2023 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

3. The case relates to recovery of illegal fire arms and ammunition.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing incriminating article (arms) has been recovered from the



conscious possession of the petitioner rather recovery has been made from other co-accused person namely Sonu Kumar. He further submits that he has no concern with the alleged recovery of arms or the other co-accused person and he was arrested with his motorcycle and he is a bonafide owner of motorcycle bearing Registration No. BR01EV 3864. The petitioner is in custody since 21.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, nothing incriminating article has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, 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 Court of Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Patepur P.S. Case No. 177 of 2023, 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 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 antecedents, 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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