

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60070 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- GORAUL District- Vaishali

Sanjeev Kumar Son of Shri Ram Sharan Singh R/o Village- Chhatwara
Rehwan, P.S.- Mahua, District- Vaishali At Hajipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashutosh Singh, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Ashutosh Singh, learned counsel appearing on behalf of the petitioner and Mr. Tarkeshwar Nath Thakur, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Goraul (Katahra O.P.) P.S. Case No. 245 of 2022 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case is based on the *fardebayan* of the informant, who is the S.H.O. of Goraul (Katahara O.P.) alleging therein that in course of patrolling duty, he got secret



information regarding assemble of some miscreants and, upon such information, the informant and other police personnel rushed to the place of occurrence and apprehended three persons including the petitioner. On search, a country made loaded pistol has been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that, in fact, nothing has been recovered from the person or possession of the petitioner. The petitioner has been remanded in one another case bearing Goraul (Kathara O.P.) P.S. Case No. 232 of 2022 in which accusation has been made after the present case. He further submits that the petitioner has neither any concern with the alleged recovered arms and motorcycle nor with the co-accused persons and, moreover, all the witnesses are police personnel and there is no independent witness to the seizure. He lastly submits that the petitioner is in custody since 12.06.2022 and now the investigation is already complete.

On the other hand, learned counsel for the State opposed the bail application and submits that the country made pistol has been recovered from the conscious physical possession of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the period of custody as



also the fact that prior to the institution of the case, petitioner was not found involved in any other criminal case and, moreover, the investigation is already complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Vaishali at Hajipur in connection with Goraul (Katahra O.P.) P.S. Case No. 245 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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