

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64927 of 2023

Arising Out of PS. Case No.-576 Year-2022 Thana- TAJPUR District- Samastipur

Shubham Kumar Son Of Dhananjay Poddar Resident Of Village
Mokhtiyarpur Salkhnni, P.S Dalsingh Sarai, Dist- Samastipur. ... Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-10-2023 Heard Mr.Nagendra Kumar Singh, learned counsel for
the petitioner and Mrs.Asha Devi, learned A.P.P. for the State.

2. Earlier the petitioner has moved for bail before this Court in Cr. Misc. No. 44666 of 2023 which was dismissed as withdrawn vide order dated 17.08.2023 with liberty to file a fresh application. Pursuant to the aforesaid liberty, the petitioner has again moved for bail before this Court.

3. The petitioner seeks bail, who is in custody since 02.12.2022 in connection with Tajpur P.S. Case No. 576 of 2022, F.I.R. dated 29.11.2022 registered for the offence punishable under Sections 25(1-B)(a), 26, 27, 35 of the Arms Act.

4. Allegation against the petitioner is that he alongwith other co-accused on the point of pistol looted ornaments from Sony Fancy Jewellers and in course of search from possession of the petitioner one country made pistol with magazine, one live cartridge, one pair silver Payal, three silver Bala have been



recovered.

5. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR as well as the seizure list that one country made pistol with magazine, one live cartridge, one pair silver Payal, three silver Bala have been recovered from possession of the petitioner. Learned counsel for the petitioner submits that for the same allegation, Tajpur P.S. Case No. 575 of 2022 was also registered for the same occurrence on the same day and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.12.2022.

6. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that some looted articles and arms have been recovered from possession of the petitioner and apart from the aforesaid, the petitioner carries five more cases other than the present one but fairly submits that out of five cases, the petitioner is on bail in four cases and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

7. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Chief Judicial Magistrate, Samastipur in connection with Tajpur P.S. Case No. 576 of 2022, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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)

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