

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64611 of 2022

Arising Out of PS. Case No.-197 Year-2022 Thana- BELA District- Sitamarhi

Md. Kamruddin @ Kamrudin Mansur Son Of Md. Husain R/O Village-
Jaynagar, Dostiya Tola, Ward No.12, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
12.08.2022 in connection with Bela P.S. Case No. 197 of 2022,
F.I.R. dated 11.08.2022 for the offences punishable under
Sections 25(1-b)a and 26 of the Arms Act.

Recovery is of one country made pistol and two live
cartridges.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case due to
previous criminal antecedent of the petitioner. He further



submits that it appears from the F.I.R. as well as seizure list that one country made pistol and two live cartridges have been recovered from the possession of the petitioner. He further submits that there is non-compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries 10 more cases other than the present one but fairly submits on the basis of supplementary affidavit filed on behalf of the petitioner that the petitioner is on bail in 3 cases out of the said 10 cases.

Considering the aforesaid facts and circumstances, 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 the learned Sub Divisional Judicial Magistrate, Sitamarhi in connection with Bela P.S. Case No. 197 of 2022, 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 witnesses, 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)

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