

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65735 of 2022

Arising Out of PS. Case No.-235 Year-2022 Thana- BAJPATI District- Sitamarhi

Madan Kumar Son of Kapil Dev Mahto R/v- Awapur, P.S.- Pupari, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, app

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399/402 of the Indian Penal Code and Sections 25(1-b)A, 26 and 35 of the Arms Act.

It relates to recovery of One loaded country made pistol, one live cartridge and Vivo Mobile phone and one POCO Company Mobile.

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 one loaded country made pistol, one live cartridge, One Vivo and one POCO mobile phones have been recovered from the possession



of co-accused Aman Kumar and Tribhuvan Kumar. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner and hence no case is made out under the Arms Act and there is non-compliance of Section 100 of the Cr. P.C. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 below where the case is pending in connection with Bajpatti P.S. Case No. 235 of 2022, with 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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