

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.361 of 2023

Arising Out of PS. Case No.-16 Year-2019 Thana- BAIRIYA District- West Champaran

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Dinesh Kushwaha @ Dinesh Prasad Kushwaha S/o Prahlad Kushwaha @
Prahlad Mahto R/o Village- Hirapakar, P.O. Gurwaliya, P.S.- Manuapul, Ward
no. 8, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
03.03.2022, in connection with Bairiya P.S. Case No. 16 of
2019, F.I.R. dated 10.01.2019 registered for the offences
punishable under Sections 414 of the Indian Penal Code and
Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of two loaded pistol and
two live cartridges.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired



during investigation on the basis of the confessional statement of co-accused person and the petitioner was remanded in the present case which pertains to the years 2019 on 03.03.2022. He further submits that except the confessional statement of co-accused, no other cogent material has come during investigation to connect the complicity of the petitioner in the present occurrence and recovery has been made from co-accused Salman Alam. He further submits that the petitioner has no concern at all with the alleged recovery or co-accused person and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.03.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries fourteen more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner has been acquitted from the charges levelled against him in seven cases and rest out of seven cases, the petitioner is on bail in six cases.

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



ACJM-III, West Champaran, Bettiah, in connection with Bairiya
P.S. Case No. 16 of 2019, 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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