

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66491 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- ALIPUR District- Gaya

ANIL KUMAR @ ANIL SHARMA @ SURAJBHAN SINGH S/o Late
Haribansh Sharma R/o Village- Kutlupur, P.S.- Alipur, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 25(1-B)a/26/27 of the Arms
Act.

According to prosecution case, six live cartridges and
one khokha are said to have been recovered from the possession
of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in the
present case due to admitted land dispute between the parties.
He further submits that there is a case and counter case between
the parties. It appears from the F.I.R. and the seizure list that six
live cartridges and one dead cartridge have been recovered from



the house of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner and for the same occurrence, Alipur P.S. Case No.34/2022 has also been instituted against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one.

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 Court below where the case is pending in connection with Alipur P.S. Case No. 36 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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