

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67643 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- NAGAR District- Vaishali

Rajeev Kumar @ Rajeev Mali Son of Late Jitendra Bhagat @ Late Jitendra Prasad Saini Resident of Village- Dighi Kala, East, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-03-2023 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 in a case registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

According to prosecution case, this petitioner along with other accused persons were trying to escape during vehicle checking and on searched by the police, one loaded country made pistol is recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been 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 is recovered from the possession of the petitioner. He further submits that there is no eye witness of the alleged recovery. He further submits that there is non-compliance of Section 100 of the Cr.P.C. He further submits that as far as the motorcycle is concerned, the petitioner was pillion rider and he has no concern at all with the motorcycle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits on the basis of case diary that the petitioner carries six more cases other than the present one but fairly submits on the basis of para-3 of the petition that he is on bail in five cases out of six 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 Court below where the case is pending in connection with Hajipur Town P.S. Case No. 173 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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