

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69825 of 2022

Arising Out of PS. Case No.-293 Year-2022 Thana- KISHANGANJ District- Kishanganj

Kaunain Raza @ Kaunain Son of Mahboob Raza @ Md. Mahboob Raza
Resident of Paschimpali Mohiuddinpur, Ward No.-1, P.S.- Kishanganj,
District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
23.07.2022, in connection with Kishanganj P.S. Case No. 293 of
2022, F.I.R. dated 22.07.2022 registered for the offences
punishable under Sections 399/402 of the Indian Penal Code
and Section 25(1-b)a/26/35 of the Arms Act.

The case relates to recovery of one country made
pistol and one live cartridge.

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 it appears from the F.I.R.
as well as seizure list that only country made pistol and one live



cartridge has been recovered recovered from the possession of the petitioner. He further submits that in fact nothing has been recovered from the possession of the petitioner rather the police has planted the same and shown the recovery has been made from the possession of the petitioner. He further submits that as per seizure list it appears that there is no independent witness of the seizure list and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in both the 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 Additional District & Sessions Judge-III, Kishanganj in connection with Kishanganj P.S. Case No. 293 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 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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