

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72841 of 2022**

Arising Out of PS. Case No.-60 Year-2014 Thana- PARBATTI District- Khagaria

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Keshav Kumar @ Sixserba @ Sixer @ Sixserbar Son Of Manoj Singh @  
Manoj Kumar Singh R/O Vill.- Nayagoan (Satkhutti), P.S.- Parbatta, Distt.-  
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sarvottam Kumar, 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      03-07-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
10.08.2022 in connection with Parbatta P.S. Case No. 60 of  
2014, F.I.R. dated 02.04.2014 for the offences punishable under  
Sections 25(1-B)A, 26, 35 of the Arms Act and Sections 3, 4, 5  
of Explosive Substance Act.

Recovery is of one country made pistol, 12 cartridges  
and one Sutali Bomb and one piece of empty cartridge.

Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the  
present case. He further submits that it appears from the F.I.R.  
that nothing has been recovered from the conscious possession



of the petitioner rather the recovery has been made from the house of petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that similarly situated, co-accused, namely, Manoj Singh who is father of the petitioner has been granted bail by a co-ordinate Bench of this Court vide order dated 03.09.2015 passed in Cr. Misc. No. 37652 of 2015. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 10.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents 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 A.D.J.-3, Khagaria in connection with Parbatta P.S. Case No. 60 of 2014, 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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