

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73051 of 2022

Arising Out of PS. Case No.-706 Year-2022 Thana- FORBESGANJ District- Araria

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Aman Kumar @ Mohan Kumar @ Mohan S/O Sugriv Yadav Resident of
Ward No- 01, Routara, P.S.- Routara, District- Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Arvind, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2023 Heard Mr. N.K. Agrawal, learned senior 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 who is in custody since
23.07.2022 in connection with Forbesganj P.S. Case No. 706 of
2022, F.I.R. dated 07.07.2022 for the offences punishable under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, the petitioner along
with other accused person snatched the cash bag of a person on
gun point and tried to run away on their motorbike.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner was arrested in Forbesganj P.S. Case No. 705 of 2022 registered under Section 27 of the Arms Act and on the basis of the self confessional statement of the petitioner, the present F.I.R. has been instituted against the petitioner. He further submits that on the basis of the self confessional statement of the petitioner, one country made pistol has been recovered from the canal water. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one 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 Chief Judicial Magistrate, Araria in connection with Forbesganj P.S.



Case No. 706 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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