

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68315 of 2022

Arising Out of PS. Case No.-267 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Ramanand Kumar S/o Ram Sagar Mahto R/o Village- Khodawanpur, P.S.-
Khodawanpur, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, 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.

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-b)a/26(i)/35 of the Arms Act.

According to prosecution case, on the basis of secret information received by the informant that the petitioner is in possession of illegal arms. The informant along with police party apprehended the petitioner on the spot and in course of search a country made loaded pistol, motorcycle and cartridge was recovered from his possession.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per the



allegation as alleged in the F.I.R is that the petitioner was arrested on the spot with one loaded pistol and one motorcycle. He further submits that the owner of the motorcycle is his brother, namely, Ramlal Kumar and there is non-compliance of Section 100 of the Cr.P.C. He further submits that the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 10.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Khodawandpur P.S. Case No. 267 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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