

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69431 of 2022

Arising Out of PS. Case No.-224 Year-2022 Thana- TATARPUR District- Bhagalpur

ABHISHEK KUMAR Son of Ramu Mahto R/v- Janidih, P.S.- Ghogha,
District- Bhagalpur (Bihar), Pin-813205

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Roona, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2023 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 399 and 402 of Indian Penal Code and under Section 25(1-b)a, 26/35 of the Arms Act.

According to prosecution case, the informant upon receiving a secret information that the petitioner along with other co-accused persons were planning to commit crime, proceeded with patrolling party and caught the petitioner and upon search one black coloured mobile phone was recovered from the possession of the petitioner and one pistol loaded with 9mm live cartridge was recovered from one co-accused namely Krishna Kant Yadav.

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 it appears from the F.I.R and seizure list that no incriminating articles have been recovered from the conscious possession of the petitioner but only one mobile phone has been recovered from the possession of the petitioner so no case is made out against the petitioner under Arms Act. He further submits that one co-accused, namely, Sourabh Kumar from whom also one mobile phone was recovered has been granted bail by a co-ordinate Bench of this Court vide order dated 24.02.2023 passed in Cr. Misc. No. 67107 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 04.09.2022.

The learned Additional Public Prosecutor 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 Tatarpur P.S. Case No. 224 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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