

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71775 of 2022

Arising Out of PS. Case No.-478 Year-2022 Thana- FATUA District- Patna

Abhishek Kumar Son of Rambali Ray, R/o Village- Dariyapur, P.S.- Fatuha,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
10.07.2022 in connection with Fatuha P.S. Case No. 478 of
2022, F.I.R. dated 09.07.2022 for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2018
and Sections 399, 402, 414, 420 of the Indian Penal Code and
Sections 25(1-b)a, 26, 35 of the Arms Act.

According to prosecution case, on the basis of secret
information, the police party reached in Sanaru Railway Bandh
Bagicha and after seeing the police party five persons tried to
flee away. Out of five persons three were apprehended by the
police and after search from the possession of Raushan Kumar 3
liters of Mahua wine was recovered, Abhishek Kumar
(petitioner) one mobile was recovered and from the possession



of Kaushal Kumar one loaded country made pistol was recovered. It is further alleged that one motorcycle was also recovered from the house of Santosh Kumar. It reveals that two persons who fled away was Saurabh and Monu and the house of Saurabh was searched and from his house two fire arms and three cartridges were recovered.

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. as well as seizure list that one Android mobile has been recovered from the possession of the petitioner so there is no case is made out under the Arms Act against the petitioner. He further submits that petitioner has no concern at all with the other co-accused persons and there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner.

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 Special Judge Excise, Patna City in connection with Fatuha P.S. Case No. 478 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)

mdrashid/-

U		T	
---	--	---	--

