

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91 of 2023

Arising Out of PS. Case No.-336 Year-2022 Thana- RAHUI District- Nalanda

PINTU KUMAR @ CHANDAN @ FAKIRA S/O BINDA YADAV Resident
of village- Rahui, P.S.- Rahui, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.06.2022, in connection with Rahui P.S. Case No. 336/2022,
F.I.R. dated 19.06.2022, for the offences punishable under
Sections 411 of the Indian Penal Code and Sections 25(1-b) a,
26, 35 of the Arms Act.

According to prosecution case, one country made
loaded pistol with one live cartridge and two mobile phones
were recovered from the possession of the petitioner.

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.
as well as seizure list that one country made loaded pistol with



one live cartridge and two mobile phones were recovered from the possession of the petitioner. He further submits that in fact nothing has been recovered from conscious possession of the petitioner rather the police has planted the same and shown the recovery from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.06.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits that on the basis of para-3 of the bail petition, the petitioner is on bail in that case.

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.C.J.M.-I, Nalanda, Bihar Sharif, in connection with Rahui P.S. Case No. 336/2022, 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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