

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10970 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- KARPURIGRAM District- Samastipur

Bhola Kumar, Son Of Sahdev Singh Village- Baghi P.S -Karpurigram Distt-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Karpurigram P.S. Case No. 135/2023 lodged on 17.11.2023
under Sections 399, 402 of the Indian Penal Code and Section
25 (1-B)a, 26/35 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against six named accused persons, including the present
petitioner who was apprehended by the police party upon secret
information while they were preparing a plan to commit a
crime. On search being made, from the possession of the
petitioner one loaded country-made pistol and a mobile phone
was recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The



petitioner has been roped in the present case at the instance of the police since the petitioner is accused in three more criminal cases and he is in custody since 18.11.2023. The charge sheet has already been submitted.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Samastipur, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. The learned court below shall release the petitioner on bail only six months after framing of the charge, if not framed as well as on being satisfied that the petitioner is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-

(I) Ujiyarpur P.S. Case No. 307/2023

(ii) Ujiyarpur P.S. Case No. 420/2023

(iii) Samastipur (M) P.S. Case No. 121/2023

(Dr. Anshuman, J)

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