

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11361 of 2024

Arising Out of PS. Case No.-216 Year-2022 Thana- DELHA District- Gaya

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Dhiraj Kumar @ Karib S/O Surendra Bhagat, R/O Village- Kharkhura, PS.-
Delha, Dist.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Murad Ashraf, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-03-2024 Heard Mr. Murad Ashraf, the learned counsel for

the petitioner and Ms. Renu Kumari, the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

15.07.2022, in connection with Delha P.S. Case No. 216 of

2022, FIR dated 14.07.2022, registered for the offences

punishable under Sections 25(1-b)a, 26 and 36 of the Arms Act.

3. Earlier the petitioner has moved before this Court

for grant of regular bail in Cr. Misc. No. 64035 of 2022, which

was rejected vide order dated 16.05.2023.

4. According to the prosecution case, the informant,

while night patrolling with other police personnel at Mohalla

Kharkhura, Madhbigha saw a man, who upon seeing the police

attempted to flee. It is further alleged that when the man was

apprehended and searched, a Sten gun like arms along with two



live cartridges were recovered from his possession.

5. 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 the allegation levelled in the FIR is false and fabricated and there is non-compliance of Section 100 of Cr.P.C.

6. Vide order dated 16.02.2024, a report was called for with regard to the stage of trial and the report of learned trial Court dated 21.02.2024 reveals that till date not a single witness has been examined by the prosecution.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 15.07.2022 having clean antecedent.

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

9. Considering the aforesaid facts and circumstances, the report of the learned trial Court as well as the period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya, in connection



with **Delha P.S. Case No. 216 of 2022**, subject to the following conditions:

(i). 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.

(ii). 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.

(iii). 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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