

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14908 of 2024

Arising Out of PS. Case No.-752 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Binit Kumar @ Vinit Kumar Son of Khokha Yadav @ Khokhay Yadav, R/o Village- Parminiya, Ward No.- 01, P.S.- Sonbarsa Kachahari, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Amarnath Jha, Advocate

For the Opposite Party : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2024 Heard Mr. Amarnath Jha, the learned counsel for the petitioner and Mr. Tarun Prasad Mandal, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 20.10.2023, in connection with Saharsa Sadar P.S. Case No. 752 of 2023, FIR dated 19.10.2023, registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. According to the prosecution case, the informant upon receiving secret information reached at the alleged place and upon seeing the police party, two persons managed to flee while one person namely, Vinit Kumar was apprehended by the police. It is further alleged that from the apprehended person, one country made pistol and one live cartridge was recovered.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and as per seizure list, one country made pistol and one live cartridge has been recovered from the petitioner. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and the police after investigation has submitted the chargesheet against the petitioner and the petitioner is in judicial custody since 20.10.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and arms have been recovered from the possession of the petitioner and according to the paragraph no. 3 of the bail petition, petitioner carries two criminal antecedents other than the present one, however, he fairly admits that petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Saharsa, in connection with **Saharsa Sadar P.S. Case No. 752 of 2023**, 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 trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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