

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28900 of 2024

Arising Out of PS. Case No.-143 Year-2023 Thana- KALUAHI District- Madhubani

Kisan Singh @ Kanhaiya S/O Late Yogendra Singh R/O Village- Narar, Than
Tole, P.S- Kaluahi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2024 Heard Mr. Ravindra Singh, learned counsel for the
petitioner and Mr. Chandra Sen Prasad Singh, learned A.P.P. for
the State.

2. The petitioner seeks bail in connection with Kaluahi
P.S. Case No. 143 of 2023 registered for the offence under
Sections 399 and 402 of the Indian Penal Code and Sections 25(1-
b)a, 26 and 35 of the Arms Act.

3. According to prosecution case, the informant got an
information while patrolling and caught hold the miscreants and
on search a country made pistol and mobile phones were
recovered from the possession of the accused.

4. Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that from a bare perusal of the FIR as
well as seizure list it appears that one loaded country made pistol



and one cartridge was recovered from the conscious possession of the petitioner and one mobile and one motorcycle was also recovered from him. He further submits that in fact nothing has recovered from the conscious possession of the petitioner and police have planted the same by showing that the recovery has been from the conscious possession of the petitioner. He further submits that co-accused person, namely, Md. Moshim has been granted bail by this Court vide order dated 25.09.2023 passed in Cr. Misc. No. 61867 of 2023 and co-accused person, namely, Shambhu Kumar Yadav also been granted bail by this Court vide order dated 26.09.2023 passed in Cr. Misc. No. 62151 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.07.2023

5. Learned A.P.P. for the State, on the other hand, opposed the prayer for bail of the petitioner and submits that the recovery has been made from the conscious possession of the petitioner apart from that the petitioner carries four cases other than the present one but fairly submits on the basis of the para-3 of the bail petition that the petitioner is on bail in all the pending matters.

6. Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-III, Madhubani in connection with Kaluahi P.S. Case No. 143 of 2023 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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