

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41392 of 2024

Arising Out of PS. Case No.-297 Year-2023 Thana- ALAMNAGAR District- Madhepura

Mithun Kumar S/O Lal Bahadur Mandal R/O Village- Katoria @ Bari Fatoriya (SOUTH) @ Fatoriya, Ward No. 02, P.S- Alamnagar, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr.Dr Sanjay Kumar Singh, learned counsel
for the petitioner and Mr.Arun Kumar Pandey, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Alamnagar P.S.Case No.297 of 2023,FIR dated 10.11.2023 registered for the offences punishable under Sections 25(1-B)a, 26,35 of the Arms Act.

3. The case relates to recovery of one country made pistol and one live cartridge from possession of apprehended boy Krishna Kumar Singh.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case on the basis of the disclosure made by the



apprehended co-accused person, namely, Krishna Kumar Singh. Further submits that from a bare perusal of the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the co-accused person, namely, Krishna Kumar Singh and he has disclosed the complicity of the petitioner in the present occurrence and except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and no arms has been recovered from possession of the petitioner so no case is made out against the petitioner under the Arms Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate 1st Class, Uda Kishunganj, Madhepura in connection with Alamnagar P.S.Case No.297 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other 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 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/her 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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