

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46605 of 2024

Arising Out of PS. Case No.-177 Year-2023 Thana- PARSAUNI District- Sitamarhi

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Anand Mohan Kumar @ Anand Mohan Kumar Yadav @ Anand Mohan
Yadav S/o- Subodh Kumar Yadav @ Pappu Yadav Village- anhari P.S.- Riga
Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Parsauni P.S. Case No. 177 of 2023,
registered for the offence punishable under Section 411 of the
Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the
Arms Act.

3. On a secret information, the police raided the house
of co-accused Divyanand Kumar @ Sant Kumar and on search,
a stolen motorcycle from the courtyard of the house and a
country made loaded pistol was recovered beneath his bed. The
petitioner was also found along with the co-accused and he was
apprehended by the police.

4. Learned Advocate for the petitioner referring to the



FIR submits that the entire allegation revolves around co-accused Divyanand Kumar @ Sant Kumar, from whose house, the stolen motorcycle as well as loaded pistol were recovered. So far the petitioner is concerned, the only allegation against him that he was found present in the room of the co-accused. Save and except his presence, there is no material showing the complicity of the petitioner either in the crime of theft of the motorcycle or recovery of the arms. It is also the contention of the petitioner that two prior criminal antecedent of the petitioner is the reason for implication of his name in the present case. Be that as it may, the petitioner is in custody since 18.12.2023 and the charge-sheet has already been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner appears to be a habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the recovery has been made from the house of co-accused, coupled with the fact that the petitioner has been incarcerated since 18.12.2023, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned



Judicial Magistrate 1st Class, Sitamarhi in connection with Parsauni P.S. Case No. 177 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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