

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49344 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- MINAPUR District- Muzaffarpur

Prabhat Kumar Son Of Krishna Ray Resident Of Village- Muja Bangra, P.S.-
Deoriya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Minapur P.S. Case No. 86 of 2024, registered for the offences punishable under Sections 379, 414/34 of the Indian Penal Code and Sections 25(1-B)(a), 26, 35 of the Arms Act.

3. The police on a tip off assemblage of miscreants with illegal arms raided the place of occurrence and apprehended the miscreants including the petitioner. On search, from the possession of the petitioner one loaded country made pistol and live cartridge along with mobile and 20 litres diesel were recovered.

4. There is total denial of the recovery from the



possession of the petitioner.

5. Learned Advocate for the petitioner contended that in fact in course of raid some of the persons succeeded in fleeing away after leaving the incriminating material on the place of occurrence. However, on account of petitioner having one criminal antecedent his name has been implicated in the crime showing recovery from his possession. Moreover, the crime in question is triable by the Magistrate. Now the petitioner has been incarcerated since 10.03.2024. The investigation of the crime is complete and the charge sheet has been submitted.

6. On the other hand, learned APP for the State opposed the bail application and submitted that the petitioner bears one criminal antecedent.

7. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the factum of completion of the investigation, coupled with the infirmities in the search and seizure, let the petitioner, abovenamed, 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 (East), Muzaffarpur in connection with Minapur P.S.



Case No. 86 of 2024, subject to the condition that one of the bailors shall be the own/close family members 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)

Anjani/-

U		T	
---	--	---	--

