

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50535 of 2024

Arising Out of PS. Case No.-60 Year-2024 Thana- SUPPI District- Sitamarhi

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Amit Kumar Son of Raju Sah @ Raju Prasad @ Raju Prasad Sah R/o-
Village- Basant Khurd PS- Suppi Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 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 Suppi P.S. Case No. 60 of 2024, registered
for the offence punishable under Section 414 of the Indian Penal
Code and Sections 25(1-b)(a), 26 and 35 of the Arms Act.

3. In course of patrolling, the police intercepted a
motorcycle, on which the petitioner was found sitting along with
co-accused *Prashant Kumar*. On search, one country made
pistol has been recovered from the possession of co-accused
Prashant Kumar, whereas, one live cartridge has been recovered
from the pocket of the petitioner.

4. Learned Advocate for the petitioner contended that
in fact nothing has been recovered from the possession of the



petitioner. However, only in order to implicate the name of the petitioner, recovery of one cartridge has been shown from the possession of the petitioner. It is further contended that so far the motorcycle, in question, is concerned, the same belongs to co-accused *Prashant Kumar*, and it was not a stolen one. Thus, there is no application of Section 414 of the Indian Penal Code. It is also contended that there is no independent witnesses to the search and seizure; thus complete violation of Section 100 of the Cr.P.C. That apart, the petitioner is incarcerated since 29.03.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is having one criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that a live cartridge has been recovered from the possession of the petitioner, coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted, 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, Sitamarhi in connection with Suppi P.S. Case No.



60 of 2024, 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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