

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50595 of 2024

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

Prashant Kumar Son of Umashankar Raut R/o- Vill- Basant Khurd PS -Suppi
Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 26-07-2024 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 Amit Kumar. On search, one country made pistol
has been recovered from possession of the petitioner, whereas,
one live cartridge has been recovered from the pocket of co-
accused Amit Kumar.

4. Learned counsel for the petitioner submits that



nothing has been recovered from the possession of the petitioner. However, only in order to implicate the name of the petitioner, recovery of one country-made pistol has been shown from possession of the petitioner. 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. He has also submitted that on exactly similar footing co-accused Anil Kumar has been granted bail by a coordinate Bench in Cr. Misc. No. 50535 of 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 country-made pistol has been recovered from the possession of the petitioner, coupled with the fact that the investigation of the crime is completed 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) **Before accepting the bail bond, the court
below shall verify the criminal antecedent of the
petitioner and if it is found that he is involved in
any other case except which has been mentioned
in para-3 of the petition, his bail bond shall not be
accepted.**

(Nawneet Kumar Pandey, J)

kundan/-

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

