

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56301 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- BIHRA District- Saharsa

Amit Kumar Son Of Rubil Yadav, R/o Village- Menaha, Ward 15, PS- Bihra District -Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms. Bhagyashree Raj, Advocate
		Ms. Kumari Rashmi, Advocate
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Ms. Bhagyashree Raj, the learned counsel for the petitioner and Mr. Tarun Prasad Mandal, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 21.03.2024, in connection with Bihra P.S. Case No. 54 of 2024, FIR dated 19.03.2024, registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to the prosecution case, after receiving confidential information regarding two persons who are standing with one Hero Splendor Motorcycle near Tilabe Main Road are equipped with illegal arms and are planning to commit serious crime, the informant along with other police personnel reached at the alleged place and saw two persons with one motorcycle and after giving chase apprehended both the persons. It is further alleged that one country made pistol, one live cartridge and two



live cartridges and one Hero Splendor motorcycle were recovered from the conscious possession of the apprehended persons.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the FIR, it appears that one country made pistol and one live cartridge has been recovered from the conscious possession of the petitioner, in fact, nothing has been recovered from the conscious possession of the petitioner, rather the police has planted the same and shown the recovery has been made from the conscious possession of the petitioner. He further submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 21.03.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saharsa, in connection with **Bihra P.S. Case No. 54 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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