

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66364 of 2024

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

Divyanand Kumar @ Sant Kumar Son of Nirshan Bhagat Resident of Village
- Parshurampur, P.S.- Parsauni, District - Sitamarhi, Pin Code - 843325
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 04-10-2024 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. The police, on a secret information, raided the
house of the petitioner and on search, one stolen motorcycle
from the courtyard of the house and a country made loaded
pistol was recovered beneath his bed. One Anand Mohan Kumar
@ Anand Mohan Kumar Yadav was also apprehended along
with the petitioner, who was present in the room itself.



4. Learned Advocate for the petitioner contended that so far as the recovery of motorcycle is concerned, that has been recovered from the campus of Kashi Sah, who is said to be the owner of the house and campus. So far as the recovery of arms is concerned, the same has not been made from the conscious possession of the petitioner, rather it has been recovered from the room of the petitioner where several persons reside. This fact is also corroborated by the police, as when the police conducted raid co-accused Anand Mohan Kumar @ Anand Mohan Kumar Yadav was also found present. Moreover, co-accused Anand Mohan Kumar @ Anand Mohan Kumar Yadav has been accorded the privilege of regular bail by this Court in Cr. Misc. No. 46605 of 2024 vide order dated 10.07.2024. Now the petitioner has been incarcerated since 18.12.2023.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears two criminal antecedents and he appears to be a habitual offender, apart from the fact that the arms and ammunition have been recovered from the room of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in



question is triable by the Magistrate and now the petitioner has been incarcerated since 18.12.2023 and other co-accused person having similar allegation has been allowed the privilege of regular bail, 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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