

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65094 of 2023

Arising Out of PS. Case No.-252 Year-2023 Thana- DUMRA District- Sitamarhi

ANIMESH PATEL Son of Sri Raj Kumar @ Raj Kumar Mahto R/o vill -
Madho tola (Lakhindra), P.S. - Mokama, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Adv.

For the Opposite Party/s : Ms.Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 09-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Dumra P.S. Case No. 252 of 2023 registered for the offences
punishable under Section 409 of the Indian Penal Code read
with Section 30 of the Arms Act.

3. As per prosecution case, the allegation against
the petitioner that he has misappropriated the government pistol
and 7 live cartridges of 9 mm.

4. Learned counsel for the petitioner submits that
the house of the petitioner was searched while he was in judicial
custody and hence, he cannot explain how the said government
pistol and 7 live cartridges of 9 mm could not be traced out. He
further submits that petitioner is ready to face the departmental



proceedings. Being a government official, he can not evade the direction issued by the higher authority. Petitioner is in custody since 15.07.2023 and bears criminal antecedent of one case in which he has been apprehended. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is innocent and has committed no offence as alleged against him in F.I.R.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 252 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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