

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73852 of 2024

Arising Out of PS. Case No.-89 Year-2023 Thana- AMNAUR District- Saran

Hari Kishore Prasad @ Hari Kishore @ Doctor Son of Rajendra Prasad R/o
Vill- Gopalpur, P.S.- Bhagwanpur Hat, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Amnaur P.S. Case No. 89 of 2023 for the offence punishable under section 414 of the Indian Penal Code and Sections 25(1-B)a and 26 of the Arms Act lodged on 23.04.2024 by the informant, Sujeet Kumar Choudhary.

3. As per the prosecution story, the informant alleged that he found a person coming on a motorcycle. When it was intercepted, he tried to escape but was caught hold of. On interrogation, he gave his name, it was the petitioner herein. Upon search, one loaded country-made pistol and live cartridges beside stolen motorcycle recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only



because of criminal antecedent his earlier bail application was rejected by this Court [**Justice Sunil Kumar Panwar** (as his lordship then was)]. It is his further submission that given a chance, he shall be diligently appearing in trial and will desist from getting implicated in any other criminal case.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Though he has criminal antecedent, has remained in custody since 24.04.2024 (paragraph-9 of the petition) and taking into account the aforesaid facts and the submissions put forwarded by the parties, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-IXth, Saran at Chapra, in connection with Amnaur P.S. Case No. 89 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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