

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80411 of 2023

Arising Out of PS. Case No.-210 Year-2023 Thana- NAWADA MUFFASIL District- Nawada

BALMIKI KUMAR son of Ruplal Yadav Village- Giriyak Bigha Par- Ps-
Giriyak Dist- Nalanda at Biharsharif

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Muffasil P.S. Case No. 210 of 2023 registered for the offences punishable under Sections 399, 402 of the IPC and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, petitioner is said to have apprehended on the spot alongwith others from Alto car in question. It is alleged that from the possession of petitioner, Rs. 1700/-, one country made pistol loaded with two live cartridges alongwith one magazine and two live cartridges were recovered.

4. Learned counsel for the petitioner submits that petitioner is in custody since 08.07.2023 and bears criminal antecedent of one case which is not similar to the present case.



Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not in any way connected with the alleged occurrence as petitioner and others were assembled to celebrate the birthday in Kumar Line Hotel and petitioner has been apprehended in the case on account of suspicion. Seizure list has not been prepared as per law. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently 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 Additional Chief Judicial Magistrate 1st Class or corresponding court, Nawada in connection with Muffasil P.S. Case No. 210 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 a single date 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

vashudha/-

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

