

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85758 of 2023

Arising Out of PS. Case No.-395 Year-2023 Thana- BELHAR District- Banka

=====

PRINCE KUMAR S/O ASHOK PASWAN R/O VILLAGE- DULHAR, P.S-
ASARGANJ, DISTT.- MUNGER.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ambrish Jha

For the Opposite Party/s : Mr.Ashok Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Belhar P.S. Case No.395 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, informant and his team
apprehended petitioner and others and on search one country
made pistol alongwith magazine and two live cartridges were
recovered from the possession of co-accused Raunak Kumar
and two motorcycles were also recovered at the place of
occurrence. None of the co-accused persons produced any
license regarding weapons and paper of the motorcycles in
question.



4. Learned counsel for the petitioner submits that petitioner is in custody since 13.09.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner rather recovery was made from the co-accused Raunak Kumar . Petitioner is apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Learned counsel further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

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, keeping in view clean antecedent of the petitioner, 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 CJM, Banka in connection with Belhar P.S. Case No.395 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)

vashudha/-

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

