

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2141 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- DIDARGANJ District- Patna

1. Kamla Singh @ Kamlesh Prasad S/O Jaynandan Singh R/O Village-Raybagh Fatwah, PS - Didarganj, Dist- Patna
2. Karan Kumar @ Bangali Singh S/O Ramashish Singh R/O Village- Raybagh Fatwah, PS - Didarganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Sunil Kumar Pathak, learned counsel for the petitioners and Mr. Bharat Lal, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest connection with Didarganj P.S. Case No. 193 of 2023, F.I.R. dated 22.06.2023 registered for the offences punishable under Sections 25(1-b)a, 26/35 of the Arms Act.

3. The case relates to recovery of two country made pistols and one Honda Motorcycle.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have falsely been implicated in the present case. He further submits that from perusal of the F.I.R. it appears that no arms have been recovered



from the possession of the petitioner so no case is made out under the Arms Act against the petitioners and merely on the basis of disclosure made by local people the petitioners have been falsley implicated in the present case and the petitioners are close relatives of the informant.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, that the petitioners having clean antecedents and the name of the petitioners have been transpired on the basis of disclosure made by local people, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order. be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna City, Patna in connection with Didarganj PS. Case No. 193 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient



reason, their bail bonds shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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