

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33459 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- DANAPUR District- Patna

Rahul Kumar son of Sanjay Singh, Resident of Village - Tarachak, Ward No. 8, P.S.- Danapur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Vijay Kumar Sinha, Adv.

For the Opposite Party : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-05-2019 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks bail in connection with Danapur P.S. Case No.13 of 2019 registered under Sections 25(1-B)(a), 26 and 35 of the Arms Act.

It is submitted by the learned counsel for the petitioner that there is apparent over writing in column no.1 of the seizure list and in column no.3 of the FIR. The police have framed the petitioner in a false case. There was no recovery of any incriminating article from possession of the petitioner, but in the seizure list it has been shown that one country made loaded pistol and three live cartridges of .315 bore were recovered from his possession. It is further contended that the petitioner is a business man having no criminal antecedent and



has got roots in the society. He is not likely to abscond or tamper with the evidence if released on bail.

Learned counsel for the State opposed the application for grant of bail to the petitioner. He contended that over writing highlighted by the petitioner in the seizure list and the FIR are of no consequence. The recovery of one country made pistol and three live cartridges was made from possession of the petitioner on 04.01.2019 at 8.15 a.m. and FIR was registered on the same day at 11.30 a.m..

Considering the submissions made by the learned counsel for the parties, since investigation of the case is complete and custodial interrogation of the petitioner is not warranted, he is directed to 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 ACJM-1 Danapur, Patna in connection with Danapur P.S. Case No.13 of 2019 subject to the following conditions:-

- (a) that the petitioners shall attend court in accordance with the conditions of the bond executed,
- (b) that the petitioners shall not commit an offence similar to the offence of the present case, and
- (c) that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer or tamper with the evidence.

(d) The petitioner shall receive the police report and other documents in terms of Section 207 of the Code of Criminal Procedure as and

(e) One of the sureties must be a government servant/elected people's representative of Panchayat/Municipality and the other one shall be a close relative.

(Ashwani Kumar Singh, J)

Md. S/-

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