

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18405 of 2020

Arising Out of PS. Case No.-237 Year-2018 Thana- BIHARSHARIF District- Nalanda

RAJA KUMAR Son of Rajendra Prasad Swarnkar @ Rajendra Prasad
Resident of Mohalla - Katrapar, Devi Sthan, Biharsharif, P.S.- Bihar, Distt -
Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Adv

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 16-09-2020 Heard learned counsel for the parties.

Earlier the bail of the petitioner was rejected vide order dated 11.02.2019 in Criminal Miscellaneous No. 2621 of 2019.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under sections 25(1-b)a, 26(ii) & 35 of the Arms Act.

Informant is the police officer, who in his written report has stated that he received a confidential information that petitioner Raja Kumar was running a business of illegal arms near Devi Asthan. On receiving such information, he alongwith police party reached at the house of petitioner Raja Kumar and on seeing the police party two persons assembled there started



fleeing away but they were apprehended after chase. They disclosed their name as Raja Kumar (petitioner) and Tappu Kumar. On search two country made Katta, one country made pistol and 101 live cartridges and magazine of one pistol as well as Rs. 7,86,100/- has been recovered from the house of petitioner.

It has been submitted on behalf of the petitioner that petitioner is in custody since 27.05.2018 and he has completed more than two years of jail custody. Nothing has been recovered from the possession of the petitioner. Petitioner has got no criminal antecedent

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **S. Tr. No. 88 of 2020/297 of 2019** arising out of **Bihar P.S Case No. 237 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner 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 his/her absence on two consecutive dates without



sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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