

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27376 of 2020

Arising Out of PS. Case No.-32 Year-2020 Thana- SURYAGARHA District- Lakhisarai

Anil Kumar, Son of Parmeshwar Sahni, R/o Jakarpura, (Jagdishpur), P.S.-
Surajgarha, Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Alok Ranjan, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Mr. Madan Kumar, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

Heard learned counsel for the petitioner and the



learned APP for the State.

The petitioner seeks bail in connection with Surajgarha P.S. Case No.32 of 2020 registered for the offence punishable under Section 25(1)a/25(1-aa)/25(1-b)a/26(I)(II)/35 of the Arms Act.

Prosecution case is that from the studio of the petitioner, he was selling arms. Four country-made pistols and magazine are said to have been recovered from the petitioner's possession.

It is submitted by Mr. Rajendra Narain, learned Senior Counsel appearing for the petitioner that another person Arun Ram (co-accused) was also allegedly arrested from the studio along with live cartridges. He has been allowed bail in Cr.Misc. No.23100 of 2020. It is a case of false implication as earlier there was a tiff with the police official who has lodged a false case against the petitioner. Earlier one Surajgarha P.S. Case No.32 of 2020 was also lodged against the petitioner, however, the same was found to be a case of false implication and therefore, there is no criminal antecedents of the petitioner. He is a student and has also appeared for the Staff Selection Commission's Examination. The admission certificate has been annexed as



Annexure 2 to the bail application. The petitioner is said to be in custody since 19.02.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Lakhisarai, in connection with Surajgarha P.S. Case No.32 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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