

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15113 of 2021

Arising Out of PS. Case No.-401 Year-2020 Thana- SIRDALA District- Nawada

Kabir Verma @ Bobby Son Of Birendra Verma Resident Of Village/ Mohalla-
Gandhi Nagar, House No.76, Police Station- Chakeri, District- Kanpur, Uttar
Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Nawal Kishor Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Sirdalla P.S. Case
No. 401 of 2020 registered for the offence punishable under Sections
25 (1-b) a, 26 and 35 of the Arms Act.

As per the prosecution case, on search made by the informant,
illegal arms and ammunition were recovered from the possession of
petitioner and other two co-accused persons while they were fleeing
away from *Narhat* where they all were made captive by their
associates. It is alleged that a country made katta loaded with live



cartridge along with one live cartridge and one mobile phone were recovered from the possession of petitioner. Two live cartridges were recovered from the pocket of right pant of co-accused *Suraj Berival*.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that petitioner is mechanic and works in *Kanpur* and he came along with co-accused persons to *Varanasi* to purchase some electric goods from where they were kidnapped by their associates for a ransom. He submits that petitioner was apprehended at the place of occurrence and only on mere suspicion he has been made accused in the present case. He further submits that seizure list has been prepared in contravention of Section 100 (4) of the Cr.P.C., which has no relevance in the eye of law. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 05.10.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and period of custody of the petitioner, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sirdalla P.S. Case No.



401 of 2020.

However, before accepting the bail bond of petitioner the Trial court is directed to verify the criminal antecedent of the petitioner.

(Anjani Kumar Sharan, J)

GAURAV S./-

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