

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15024 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

BIHARI SINGH @ SHIVAM KUMAR Son of Late Bambam Singh @
Bambam Singh Resident of Village - Hemra, P.S.- Muffasil, District –
Begusarai. Petitioner.

Versus

The State of Bihar. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Md.Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 25 (1-b), a, 26 (2) & 35 of
the Arms Act.

A supplementary affidavit has been filed on behalf of
the petitioner, which is kept on record.

The prosecution case, in brief, is that when the
informant, who is a Police Officer, in course of investigation,
arrested the petitioner, who is said to be an accused of Muffasil
P.S. Case No.113 of 2020, has confessed before him that three
country made pistols and 12 cartridges were used in commission
of above occurrence and were recovered from the house of the
co-accused, Mritunjay Kumar.

Learned counsel for the petitioner submits that the



petitioner is an innocent and has falsely been implicated in this case. No incriminating article has been recovered from the conscious physical possession of the petitioner rather the same has been recovered from the house of co-accused, Mritunjay Kumar. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been falsely implicated in this case by the police at the instance of his enemy. The petitioner has ten criminal antecedent as mentioned in supplementary affidavit he is languishing in judicial custody since 04.03.2020. The aforesaid co-accused, Mritunjay Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 11.01.2021 passed in Cr. Misc. No.33121 of 2020.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case, the fact that no arms and ammunition has been recovered from the conscious possession of the petitioner as well as considering the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Muffasil P.S. Case No.



117 of 2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) that the petitioner will mark his attendance in



the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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