

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16382 of 2021**

Arising Out of PS. Case No.-578 Year-2020 Thana- AHYAPUR District- Muzaffarpur

=====

Gaurav Kumar, Son of Subodh Kumar Jha @ Subodh Kumar, Resident of
Village - Dharampur, P.S.- Siwaipatti, Distt.- Muzaffarpur(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Subhen Sarkar, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-10-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Ahiyapur P.S. Case No.578 of 2020 (Trial No.1453 of 2020)
registered for the offence punishable under Section 25(1-
b)a/26/35 of the Arms Act.

One co-accused Tullu Kumar has been arrested by
the police and two are said to have fled away. Co-accused Tullu
Kumar has named the petitioner as being one who fled away
after he shot one person after looting his motorcycle.

Petitioner's counsel submits that even as per the
allegation, the petitioner was not arrested along with co-accused
Tullu Kumar from whom there is recovery of arms. Petitioner
has been implicated merely on the basis of confessional



statement of co-accused. He has two other cases viz., Shivaipatti P.S. Case No. 75 of 2020 and Ahiyapur P.S. Case No.579 of 2020 pending against him. The submission is that his arrest has not led to any recovery and he is in custody since 29.08.2020.

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

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 learned Sub-Judge 10th Cum Additional Chief Judicial Magistrate, Muzaffarpur, District-Muzaffarpur, in connection with Ahiyapur P.S. Case No.578 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)

PNM

U		T	
---	--	---	--

