

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11972 of 2021

Arising Out of PS. Case No.-736 Year-2020 Thana- NAGAR District- Vaishali

=====

Ganga Sagar @ Ganga Sagar Kumar, aged about 19 years, Male Son of Baiju Chaudhary, Resident of Village - Maheshkhut, Kashichak, P.S.- Maheshkhut, District- Khagariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-11-2021 Heard Mr. Awadhesh Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Umesh Lal Verma, learned APP appearing on behalf of the State.

The petitioner seeks regular bail in connection with Hajipur Town P.S. Case No. 736 of 2020 registered for offence punishable under Sections 399, 402 of Indian Penal Code and Sections 25 (1-B) a, 26 and 35 of the Arms Act., 1959.

The prosecution story in short is that the present petitioner aged about 19 years, Son of Baiju Chaudhary resident of Village- Maheshkhut Kashichak, P.S. Maheshkhut, District- Khagariya, intercepted with one small knife having spring in it along with other co-accused from whose possession also arms were recovered.



Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case and the said knife cannot be held to be any weapon to cause any injury to any person as there was no intention to commit any crime. The petitioner is having clean antecedent.

Learned APP appearing on behalf of the State, however, submits that the petitioner was found along with the co-accused from whose possession indiscriminating articles has been recovered as well as firearm and as such complicity of the petitioner cannot be ruled out.

Having considered the facts and circumstances of the case and upon perusal of the FIR, it appears that no such weapon has been recovered from the petitioner's possession and he was only standing as a passer-by on the said chowk.

Prima facie, petitioner has made a case for grant of bail. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 736 of 2020, subject to 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.

(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.

(Purnendu Singh, J.)

Anand Kr.

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

