

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18118 of 2021**

Arising Out of PS. Case No.-248 Year-2020 Thana- MOTIPUR District- Muzaffarpur

RAHUL KUMAR @ BABUA DON SON OF LAKHINDRA RAY R/O
VILLAGE- BHAWANIDIH, P.S.- MOTIPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Yogendra Kumar Singh, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Motipur Police Station (for brevity, *PS*) Case No 248 of 2020 instituted for the offence punishable under Section 25 (1-B) a of Arms Act.

Since 05.10.2020, petitioner, having no criminal antecedent, is stated to be in custody. There is alleged recovery of one loaded country made pistol from his possession.

Learned counsel for the petitioner submits that the recovery is not in accordance with law. He submits that the petitioner has been implicated in this case on extraneous considerations. The petitioner has no concern with the seized



arms and ammunition.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, West Muzaffarpur in connection with Motipur PS Case No 248 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as



pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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