

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18249 of 2021**

Arising Out of PS. Case No.-75 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-11-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Siwaipatti P.S. Case No.75 of 2020 registered for the offence
punishable under Section 412 of the Indian Penal Code and
Section 25(1-b)a/26/35 of the Arms Act.

For the alleged recovery of one loaded country
made pistol and mobile phone, the petitioner has been arrested
in course of raid which was conducted in connection with earlier
case, bearing Ahiyapur P.S. Case No.578 of 2020.

Counsel for the petitioner submits that the petitioner
has falsely been implicated. Recovery is not in accordance with
law and he is in custody since 08.07.2020.

The submission is that even as per seizure list, the



petitioner has no concern with the stolen motorcycle. His implication is merely on the basis of three criminal antecedents as disclosed in paragraph 3 of the bail application.

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 Sri Pramod Kumar Mahtha, learned Judicial Magistrate 1st Class, Muzaffarpur (East), District-Muzaffarpur, in connection with Siwaipatti P.S. Case No.75 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)

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