

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19410 of 2021**

Arising Out of PS. Case No.-55 Year-2020 Thana- GWALPARA District- Madhepura

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GULSHAN DAS @ GULSHAN KUMAR DAS Son of Late Sikandra Das @
Sikendra Das Resident of Village - Navtolia, P.S.- Murliganj, District -
Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-07-2021 Learned counsel for the petitioner undertakes to remove
all the defects pointed out by the Stamp Reporter within four weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Shyameshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Gwalpara P.S. Case No. 55 of 2020 registered for the
offences punishable under Sections 25(1-b)a, 26 of the Arms Act.

Learned counsel for the petitioner submits that as per the
prosecution story, on secret information, the informant reached at the
maize field where the petitioner was apprehended and when the
petitioner was searched in presence of two independent witnesses a
loaded country-made pistol was recovered from his waist.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in the present



case. The petitioner is in custody since 5.5.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that allegedly one country-made pistol loaded with one live cartridge was recovered from the possession of the petitioner, however the petitioner is in custody in connection with this case since 05.05.2020, he has got one criminal antecedent as stated in paragraph '3' but in the said case he is on bail, the investigation of the case is complete but the trial is not likely to take place in near future, in the circumstances this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- II, Uda-kishunganj, Madhepura in connection with Gwalpara P.S. Case No. 55 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make



and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

