

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23388 of 2021**

Arising Out of PS. Case No.-83 Year-2020 Thana- BIHARIGANJ District- Madhepura

NITISH KUMAR, S/o Kailash Sharma, R/o village- Saroni, Ward No.- 11,
P.S.- Bihariganj, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh No. 5, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Arun Kumar Singh No. 5, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bihariganj P.S. Case No. 83 of 2020 registered for the offence punishable under Section 25(1-b)a/26/35 of the Arms Act. He is in custody since 22.06.2020.

As per the prosecution story, the informant who is a Police Officer got a secret information that one Kailash Sharma along with his family is engaged in manufacturing of the illegal arms. On this information, the Police Officer reached the house

of said Kailash Sharma but on seeing the Police party Kailash Sharma and his whole family fled away from the back door towards the maize field. They could not be found despite search. It is alleged that in presence of the independent witnesses a search was conducted in their house, one loaded country made pistol, four live cartridges of 8 mm and one live cartridge of 9.50 K72, one knife and one device machine which is used in manufacturing of arms and mobile phone were recovered.

Learned counsel for the petitioner submits that this petitioner has been made accused only because he happens to be the son of said Kailash Sharma. There is no allegation that he is engaged in manufacturing of illegal arms. He is hardly 19 years old and is in custody for more than one year having no criminal antecedent.

Mr. Arun Kumar Singh No. 5, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, there being no specific allegation against this petitioner and he is a young boy who has been made accused as family member of Kailash Sharma, the co-accused, he has remained in custody for over one year, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs.

25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri Abhimanyu Kumar, learned Judicial Magistrate 1st Class, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 83 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.