

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24041 of 2021**

Arising Out of PS. Case No.-941 Year-2020 Thana- KHAGARIA District- Khagaria

RAMANAND KUMAR S/O CHULHAY SADA R/o village- Sauraidih, P.S.-
Muffasil, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 23-11-2021 Heard Sri Ram Sumiran Rai, learned counsel for the
petitioner and Sri Nagendra Prasad, learned A.P.P. for the State.

The petitioner seeks bail in connection with
Khagaria (Muffasil) P.S. Case No. 941 of 2020, registered
under Section 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that while
informant along with other Police personnel were on patrolling
duty, they saw three suspicious persons standing at Sauraidih
road, who suddenly fled away on seeing them. But, on chase,
petitioner along with other co-accused were arrested and on
search, one empty cartridge was recovered from the
possession of petitioner.

Learned counsel appearing for the petitioner
submits that the alleged seizure-list was not prepared before
any independent witness and the petitioner was forced to sign



on the said seizure-list at the Police Station in presence of Police. He further submits that the said seizure-list is not reliable and nothing has been recovered from the possession of the petitioner. He further submits that petitioner is in custody since 14.12.2020 as such he deserves to be released on bail.

Learned A.P.P. for the State submits that one empty cartridge was recovered from the possession of the petitioner, which shows the complicity of the petitioner, and petitioner has not brought any chit of paper to show that the same relates to his licensed arm as such petitioner does not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case and the period of custody as well as from perusal of the seizure-list, it appears that the same was prepared in the Police Station and there is no independent witness to it. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 941 of 2020 subject to the 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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