

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26282 of 2021

Arising Out of PS. Case No.-369 Year-2020 Thana- TEGHRHA District- Begusarai

Piyush Kumar, S/o- Rajendra Kumar @ Wakil Sahab, Resident of Village-
Daniyalpur, Tola Par, Ward No. 6, P.S.- Teghara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 13-12-2021 The applicant/accused in Crime No. 369 of 2020 registered with Teghra Police Station for the offences punishable under Sections 25(1-b)a and 26 of the Arms Act at the instance of first informant Arjun Prasad, P.S.O, by this application is seeking his release on bail during penency of the trial.

Heard the learned counsel appearing for the applicant. By drawing my attention to the supplementary affidavit, he argued that though it is stated that the applicant has four criminal antecedents, in three of the crimes, the offence was registered against an unknown accused and there is no evidence to connect the applicant in those crimes. In only one crime, he is named and is falsely implicated. It is further argued that the applicant is being bars for a period of more than one years and after complication of investigation, his



pretrial detention is not warranted.

The learned Prosecutor opposed the application by contending that the applicant was found with a country made pistol with live bullet and therefore he is not entitled for bail.

I have considered the submissions so advanced and perused the materials placed before me.

There is nothing to infer that the applicant would not be available for trial if he is released on bail. Considering the nature of crime and the fact that the applicant was apprehended by the police without any allegation of the overt act against him, his further pretrial detention is not warranted.

Hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 369 of 2020 registered with Teghra Police Station for the offences punishable under Sections 25(1-b)a and 26 of the Arms Act be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from



disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

Bhardwaj/-

U		T	
---	--	---	--

