

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27351 of 2021**

Arising Out of PS. Case No.-625 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

ADARSH KUMAR S/O RUPESH SAH @ RUPESH KUMAR GUPTA R/o
village- Gadai Sarai, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma,Advocate

For the Opposite Party/s : Ms.Meena Singh,APP

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

2 08-10-2021 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 Ms. Meena Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Hajipur Sadar P.S. Case No. 625 of 2020 registered for the offences punishable under Sections 25(1-A)(1-AA), 26, 27 and 55 of the Arms Act. The petitioner is in custody since 03.02.2021. The petitioner has got no criminal antecedent.

As per the prosecution story, on 10.10.2020 at about 10:00 P.M., when Sub-Inspector along with other police personnel went to arrest absconded criminals on the eve of Vidhan Sabha Election got information that some criminals are



involved in firing, when they reached there the accused persons fled away taking benefit of the darkness. A motorcycle was seized and on search of the motorcycle 9 mm pillet loaded country made pistol and on spot 3 empty cartridges were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery from the conscious possession of the petitioner. The petitioner is in custody since 03.02.2021 having no criminal antecedent.

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 the recovery of one 9 mm pillet loaded country-made pistol and 3 empty cartridge have been made from the motorcycle which according to the petitioner does not belong to him, he claims running a kirana shop on at Gadai Sarai Bazar and it is his submission that he has been falsely implicated in this case because he was providing the household goods to the local chaukidar on credit basis, the petitioner has no criminal antecedent and has remained in custody in connection with this case since 03.02.2021, investigation against him is complete,



thus, 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 Chief Judicial Magistrate, Hajipur, Vaishali in connection with Hajipur Sadar P.S. Case No. 625 of 2020, subject to the conditions 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

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'.

