

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26959 of 2021**

Arising Out of PS. Case No.-212 Year-2020 Thana- KASHICHAK District- Nawada

KUNDAN KUMAR Son of Awadhesh Singh @ Bhaso Singh Resident of
Village - Daulachak, P.S.- Kashichak, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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

2 03-12-2021 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 09.12.2020 seeks
regular bail in connection with Kashichak P.S. Case No. 212 of
2020 dated 08.12.2020 registered for offences punishable under
Sections 25(1-b)a, 26 of the Arms Act.

The story of the prosecution in brief is that upon
information, informant who is Sub-inspector of Kashichak P.S.,
reached at the house of one Umesh Singh where one person has
become injured in clash between two parties. The injured person
named Umesh Singh was taken to the Primary Health Center,
Burari. In course of treatment, some altercation took place with



medical officer and the police came on spot and a search was conducted, in course of search, a live cartridge and pistol was recovered from the possession of the petitioner. Accordingly, seizure list was prepared.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has clean antecedent. The medical officer has implicated the petitioner in this case due to some altercation which has taken place in course of treatment of the injured person while he was getting admitted at Primary Health Center, Burari. It has further been submitted that petitioner is in custody since 09.12.2020. He further submits that the alleged seizure list is a table work of the police officer and the same cannot be relied upon on which the petitioner was forced to put his signature. He further submits that there is no independent witness to the said seizure list neither there is any reference of the case no. of the FIR in which to corroborate that it refers to the same incident.

Learned A.P.P., however, opposes the prayer for bail.

Considering the facts and circumstances of the case, period of custody as well as the seizure list, let the petitioner above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties



of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Nawada in connection with Kashichak P.S. Case No. 212 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers 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.

(Purnendu Singh, J)

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