

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27883 of 2021

Arising Out of PS. Case No.-204 Year-2020 Thana- GAMAHARIYA District- Madhepura

SAURABH KUMAR, Son of Rajesh Kumar Gupta, Resident of Village -
Ramnagar, Ward No.14, P.S.- Pipra, Distt.- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-10-2021 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. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Gamharia P.S. Case No. 204 of 2020 registered
for the offence punishable under Section 25(1-b)a, 26 of the
Arms Act. He is in custody since 18.12.2020. The petitioner has
got two criminal antecedents.

As per the prosecution story, on disclosure of the
petitioner one country made pistol with fired empty cartridge
was recovered from the Chhajja of the kitchen room of the
petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that nothing has been recovered from conscious possession of the petitioner and he is in custody since 18.12.2020.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the allegation that the country made Katta and one empty fired cartridge was recovered from the Chhajja of the kitchen of the petitioner and the submission being that the same cannot be taken as a seizure from conscious possession of the petitioner and further that the petitioner has remained in custody in connection with this case for more than ten months and investigation against him is complete, he is said to have two criminal antecedents as stated in paragraph '3', so far as the present case is concerned, his further incarceration is not likely to come in aid of the prosecution, therefore, 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 Smt. Surbhi Srivastava, learned Judicial Magistrate 1st Class, Madhepura in connection with Gamharia



P.S. Case No. 204 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'.

