

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22686 of 2020

Arising Out of PS Case No.-1185 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Shyam Babu Kumar, aged about 25 years, Gender-Male, Son of Kailash Singh, Resident of Village - Baijnathpur (Khanpur), PS - Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Alok Kumar Alok, Advocate
For the State : Ms. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 24-02-2021

Heard Dr. Alok Kumar Alok, learned counsel for the petitioner and Ms. Renu Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Ahiyapur PS Case No. 1185 of 2019 dated 01.10.2019 instituted under Sections 399/402/400401/414 of the Indian Penal Code and 25 (1-B)(a)/26/35 of the Arms Act, 1959.

3. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 07.01.2020 passed in Cr. Misc. No. 80547 of 2019.

4. The allegation against the petitioner is that from his house, there was recovery of photocopy of PAN and AADHAR



Card of another person, seven mobiles of different companies, one smart card and one pistol loaded with two live cartridges along with cartridges kept in a bag in the trunk.

5. Learned counsel for the petitioner submitted that he was not caught at the spot but named by the persons who were caught, as the person who had run away, and though from him recovery is shown but it was the joint house and not in the exclusive possession of the petitioner. It was submitted that the petitioner has no criminal antecedent and is custody since 01.10.2019.

6. Learned APP submitted that there is recovery of firearms from the room of the petitioner and, thus, he cannot plead innocence.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in Ahiyapur PS Case No. 1185 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner,



and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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