

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30675 of 2020

Arising Out of PS Case No.-330 Year-2018 Thana- HARSIDHI District- East Champaran

Tuntun Singh, aged about 22 years (M), Son of Late Maneger Singh, Resident
of Village - Harsidhi Bajar, P.S. - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 29-01-2021

Heard Mr. Abhishek Kumar, learned counsel for the petitioner and Mr. Madan Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. Learned counsel for the petitioner seeks permission to correct the provision of law under which the present application has been filed. Accordingly, let the same be done through *e-mode* latest by tomorrow.

3. The petitioner apprehends arrest in connection with Harsidhi PS Case No. 330 of 2018 dated 09.08.2018, instituted under Sections 399 and 402 of the Indian Penal Code.

4. The allegation against the petitioner is that from his house persons having illegal firearms were arrested.



5. Learned counsel for the petitioner submitted that based on the same occurrence another case, Harsidhi PS Case No. 329 of 2018 was instituted under Sections 25(1-B)(a), 26 and 35 of the Arms Act, in which he was also arrested as persons with firearms were arrested from his house and for the same occurrence, the police also registered the present case. However, it was submitted that in the other case, the petitioner was granted bail, but the police had not remanded him. Learned counsel submitted that there was a ritual on the birth of a child in his house in which the other accused had come and the petitioner has no connection with them. It was submitted that there is no recovery from the person or house of the petitioner.

6. Learned APP submitted that the petitioner has another case against him.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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, East Champaran at Motihari in Harsidhi PS Case No. 330 of 2018, subject to the conditions laid



down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (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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