

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38035 of 2020

Arising Out of PS. Case No.-271 Year-2020 Thana- DANAPUR District- Patna

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BIDHAN KUMAR @ BIDHAN RAI S/o Bichchu Rai @ Bijendra Rai R/o
Saguna Gandhi Murti Khara Kuan, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate.

For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 25 (1-b) and 26 of the Arms Act.

The prosecution case, in brief, is that while the informant along with police force was on night duty and when they reached near Saguna Gandhi Murti, the petitioner tried to fled away after seeing the police force but with the help of



police force he was caught and arrested. One country made pistol and three live cartridges are said to have been recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case by the police. As a matter of fact, no arms and ammunition were recovered from the possession of the petitioner rather the informant has taken signature of the petitioner in several plain and printed papers and created a false and concocted story against him. The petitioner has been languishing in custody since 08.09.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Danapur in connection with Danapur P.S. Case No.271 of 2020, subject to the following conditions :

- (1) One of the bailors will be his own blood relative,



preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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