

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12826 of 2021**

Arising Out of PS. Case No.-147 Year-2019 Thana- GAYA KOTWALI District- Gaya

BADAL KUMAR, Son of Bishnudev Prasad, Resident of Mohalla-
Ramdhanpur, Dhankutti Gali, Police Station- Kotwali, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Bakhsi S.R.P.Sinha, Sr. Advocate Mr. Sanjay Kumar, Advocate
For the Opposite Party/s :		Mrs. Asha Devi, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 16-08-2021 Learned Senior 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 Senior Counsel for the petitioner and

Mrs. Asha Devi, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Kotwali P.S. Case No. 147 of 2019 registered

for the offence punishable under Section 37(c) of Bihar

Prohibition Excise Act, 2016 and Section 25(1-b)a, 26 of the

Arms Act. He is in custody since 23.03.2019.

Learned Senior Counsel for the petitioner submits that

so far as the allegation against the petitioner in the present case

is concerned, he was arrested by Police in drunken condition

with a pistol. It is alleged that the petitioner was arrested with one country made pistol which was loaded with three live cartridges.

Learned Senior Counsel submits that allegedly the petitioner had fired on one Sunita Devi who was taken to hospital. Later on a separate case under Section 302 of the Indian penal Code and 27 of the Arms Act has been lodged against the petitioner giving rise to Kotwali P.S. Case No. 149 of 2019.

Learned Senior Counsel submits that so far as this case is concerned, the trial has yet not begun. In the case under Section 302 of the Indian Penal Code read with Section 27 of the Arms Act the prosecution evidence is closed, statement under Section 313 Cr.P.C. has been recorded and now the case is fixed for hearing. In this connection, a supplementary affidavit has been filed.

Mrs. Asha Devi, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case, in the present case petitioner has remained in jail for about two and half years and in the connected case the prosecution evidence is already over, 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 learned Additional and District Sessions Judge-II-cum- Special Judge, Excise, Gaya in connection with Kotwali P.S. Case No. 147 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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'.