

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5592 of 2021**

Arising Out of PS. Case No.-311 Year-2020 Thana- PARBATTa District- Khagaria

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GOPAL KUMAR S/o Vibhishan Kunwar R/o Village- Kaithma, P.S.-
Begusarai Muffasil, Distt- Begusarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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

2 15-04-2021 Heard learned counsel for the petitioner and Ms. Suman
Kumari Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Parbatta P.S. Case No. 311 of 2020 registered for the
offences punishable under Sections 25(1-b)a, 26 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is alleged to have been apprehended with a magazine
loaded with 12 live cartridges.

Learned counsel submits that the petitioner is innocent and
has falsely been implicated in the present case. It is submitted that the
alleged recovery has been made from a place near Kanhaiya Chak
and both the seizure witnesses are the members of the home guard. It
is submitted that there is no independent witness and the petitioner
has remained in jail in connection with the present case since



15.08.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the alleged recovery of 12 live cartridges, motorcycle and a magazine have been shown from a place near Kanhaiya Chak and both the seizure list witnesses are the members of the home guard, there is no independent witness, the petitioner has remained in jail in connection with the present case since 15.08.2020, investigation against him is complete and at this stage further incarceration of the petitioner is not likely to come in aid of the investigation or the prosecution, there is no submission on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 2nd, Khagaria, in connection with Parbatta P.S. Case No. 311 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 petitione. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

