

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8940 of 2021**

Arising Out of PS. Case No.-233 Year-2020 Thana- GHORASAHAN District- East
Champaran

=====

SAMESHWAR KUMAR @ SOMESHWAR KUMAR SON OF LAL BABU
RAI RESIDENT OF VILLAGE- LALUA, P.S.- GHORASAHAN,
DISTRICT- EAST CHAMPARAN

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP.

=====

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 01-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Ghorasahan PS Case No. 233 of 2020 registered under Sections 399, 402, 414 of the IPC and Sections 25 (1-b)a, 26, 35 of the Arms Act.

Eleven persons along with seven motorcycles have been detained. Arms and ammunition have also been recovered as per allegations in the FIR. From the petitioner there is alleged recovery of a loaded magazine having eight live cartridges and one motorcycle.

Learned Counsel for the petitioner submits that the motorcycle which has been recovered stands in the name of uncle of the petitioner and he was in bonafide possession of the same.



Recovery of a loaded magazine is denied and disputed by submitting that the seizure list is not in accordance with law and by a common seizure list all the recovery articles have been shown to have been recovered. Petitioner is in custody since 20.6.2020. Referring to para 3 he submits that two earlier cases pending against the petitioner are at the instance of his agnates arising out of family dispute.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM 3, Sikarahna at Dhaka, East Champaran in Ghorasahan PS Case No. 233 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

