

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8886 of 2021**

Arising Out of PS. Case No.-573 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

DURGESH KUMAR @ DEVRAJ KUMAR @ DEVRAZZ @ FANTUS
KUMAR Son of Sulain Yadav @ Sulendra Yadav Resident of Village -
Rahimpur, Morkahi, P.s.- Muffasil, Dist.- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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

2 04-05-2021 Learned 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 counsel for the petitioner and learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in connection with Town P.S. Case No. 573 of 2020 registered for the offences punishable under Sections 25(1-B), a and 26 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got secret information about a man standing at Bagha Railway over bridge with a country made pistol. Thereafter, the police party reached at the spot and on seeing police, the person on motorcycle tried to flee away but was apprehended by the police and from his possession a loaded country made pistol and



one live cartridge was seized.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that petitioner was apprehended by the police on mere suspicion. Learned counsel submits that the petitioner is in custody since 23.10.2020 having no criminal antecedent.

Learned A.P.P. 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 alleged that one loaded country made pistol and one live cartridge has been recovered from the possession of the petitioner, however, the petitioner has remained in jail in connection with the present case since 23.10.2020 and prior to the present case he had no criminal antecedent, investigation against the petitioner is complete and his further incarceration in jail is not likely to come in aid of investigation or prosecution, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Town P.S. Case No. 573 of 2020 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.

This application stands disposed of accordingly.

(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'.

