

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13053 of 2021**

Arising Out of PS. Case No.-259 Year-2020 Thana- NAWANAGAR District- Buxar

Awadhesh Singh aged about 56 years, (Male) son of late Keshav Singh,  
Resident of village- Devradh Police Station Tiwar District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

**Appearance :**

For the Petitioner : Mr. Satyapal Singh Advocate

For the State : Mr. Mritunjay Kumar Nirala APP

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

2      09-07-2021      In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

3. Heard learned counsel for the petitioner and learned counsel for the State

4. The petitioner seeks bail in Nawanagar (Sonbarsa) PS Case No. 259 of 2020, instituted for the offence under Sections 25(1-b)a, 25(1-AA), 26 and 35 of the Arms Act.

5. It is alleged that two persons on a motorcycle were stopped by the police. They have been apprehended. From a bag abandoned by these two persons, two illegal rifles and some tools used in manufacturing of arms have been recovered. From the waist of co-accused, namely Bir Bahadur Sharma, one country made pistol has been recovered .



6. The learned counsel for the petitioner, referring to the seizure list, submits that there is no recovery from the petitioner's possession. He further submits that recovery of one of the country made pistol is from co-accused Bir Bahadur Sharma and the two other arms from an abandoned bag, with which, the petitioner has no concern. Even motorcycle, on which, the accused persons were allegedly moving stands in the name of a third person. The petitioner is also patient of H.I.V. disease. Having no criminal antecedents, he is in custody since 30.07.2020.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Addl. Dist. and Sessions Judge-1<sup>st</sup> cum-Special Judge, Buxar**, in connection with **Nawanagar (Sonbarsa) PS Case No. 259 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)**

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