

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11135 of 2021**

Arising Out of PS. Case No.-492 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

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ASHUTOSH KUMAR S/O LATE MUNNA DAS R/O VILLAGE-
NAGDAH, WARD NO.11, P.S.-MUFASSIL, BEGUSARAI, DISTRICT-
BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Nakul Kumar Jamuar, Advocate

For the Opposite Party/s : Mr Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 08-07-2021 This case has been taken up for consideration today
through Video Conferencing.

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

The petitioner seeks bail in Begusarai Town Police
Station (for brevity, *PS*) Case No 492 of 2020 instituted for the
offence punishable under Sections 25 (1-B)a/26 of Arms Act.

The prosecution case is that a motorcycle was stopped.
The petitioner was riding as a pillion on the same. From the
petitioner, there is alleged recovery of three live cartridges of 38
bore. From the co-accused Rajive Kumar, there is alleged
recovery of country made pistol and Apache motorcycle.

Learned counsel for the petitioner submits that he has



falsely been implicated in this case. He was riding with the co-accused who is owner of the motorcycle and has been stopped while on way and implicated in this case. He denies and disputes the recovery of live cartridges from his possession. He submits that recovery is not in accordance with law and he is on bail in the earlier case arising out of Begusarai Town PS Case No 661 of 2013. In the instant case, he is in custody since 19.09.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in connection with Begusarai Nagar PS Case No 492 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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