

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3799 of 2022

Arising Out of PS. Case No.-289 Year-2021 Thana- BARAUNI District- Begusarai

Shivam Kumar, Son Of Navin Singh, R/O Village- Bihat, Gurudaspur Tola,
Ward No.-18, P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the State : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barauni P.S. Case No. 289 of 2021 registered for the alleged offences under Sections 25(1-b)/A/26(1)/35 of the Arms Act and Section 414 of the Indian Penal Code.

The prosecution case is that the petitioner and co-accused persons were apprehended on secret information and from the petitioner, 10 live cartridges were recovered. The motorcycle being driven by the petitioner was also seized as no valid documents were produced by the petitioner.



The learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his possession. The story of recovery of 10 live cartridges and stolen motorcycle from the possession of the petitioner is totally false and concocted since no firearm was recovered from the possession of this petitioner. The recovery of live cartridges without any firearm would not serve any purpose as such cartridges on their own are simply useless. Learned counsel further submits that for recovery of the stolen motorcycle, Phulwaria P.S. Case No. 112 of 2021 under Section 392, 397 and 411 of the Indian penal Code has already been registered and two cases for same offence would not be maintainable. Learned counsel further submits that though the petitioner is having criminal antecedent. He is on bail in all such cases. The charge-sheet has been submitted and the petitioner is in custody since 17.07.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact of recovery of only cartridges from the possession of this petitioner and the fact that charge-sheet has been submitted and the petitioner is in custody for more than a



year, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai in connection with Barauni P.S. Case No. 289 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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