

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5501 of 2022

Arising Out of PS. Case No.-255 Year-2021 Thana- CHANDAUTI District- Gaya

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Alok Kumar, Son of Deepak Prasad @ Deepak Kumar, Resident of Village-
Budh Lal Bhagat Gali, Chhotaki Delha, P.S. - Delha, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Ranjeet Kumar Mishra, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Chandauti P.S. Case No. 255 of 2021 for the
offences punishable under Sections 25(1-b)a, 26 of the Arms
Act.

As per prosecution case, it is alleged that on
01.09.2021 while the police personnel was on patrolling duty,
they saw that two tempo drivers were indulged in scuffle.
However, on seeing the police party one of the Tempo driver
fled away and another has been apprehended. It is further



alleged that on search being made one automatic country made pistol with magazine and two live cartridges were recovered from the waist of the petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that in fact nothing has been recovered from the person or possession of this petitioner. However, only with a view to implicate the petitioner, the recovery has been shown to be made from his possession. It is further submitted that this petitioner is neither the owner nor the driver of the alleged tempo and in fact he is a student, just passed the Intermediate examination. He next submitted that the petitioner is in custody since 03.09.2021 having fair antecedent, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that from the possession of this petitioner an automatic country made pistol, magazine and cartridges were recovered.

Having considered the submissions made on behalf of the parties and taking into consideration the period of custody, apart from the fact that the petitioner is carrying fair antecedent and moreover the investigation of the crime is already



completed, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Chandauti P.S. Case No. 255 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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