

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6509 of 2022**

Arising Out of PS. Case No.-246 Year-2021 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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SUBHAM SINGH @ CHHOTU son of Rakesh Singh Resident of Village -  
Mohanpur, Police Station- Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Singh  
For the Opposite Party/s : Mr.Akhileshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      24-06-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within one  
  
month.

Heard learned counsel for the petitioner and the State  
through Video conferencing.

Petitioner seeks regular bail in a case registered for the  
offence punishable under Sections 399, 402 of the Indian Penal Code  
and sections 25(I-B)A, 26, 35 of the Arms Act.

Allegedly, as per allegation on secret information, police  
arrested three accused persons including the petitioner and accused  
persons are stated to have gathered to commit offences and from the  
possession of this petitioner one live cartridge of .315 and master key  
of motorcycle are stated to have been recovered.

The main submissions advanced by the learned counsel



for the petitioner are that co-accused Avinash Kumar @ Golu Kumar, from whose possession a loaded country made pistol was recovered, has been granted bail by a bench of this court vide order passed in Cr. Misc. no. 4319 of 2022 and from possession of this petitioner only one cartridge is alleged to have been recovered and investigation has been completed in respect of the petitioner and there is one criminal antecedent against him in which he is on bail.

Learned APP opposes the prayer for bail.

Heard both sides and perused the FIR. Only one live cartridge is alleged to have been recovered from possession of this petitioner in addition to master key purported to be used to unlock the motorcycle and co-accused Avinash Kumar @ Golu Kumar, from whose possession a loaded country made pistol has been recovered, was granted bail vide order passed in the above mentioned miscellaneous case and as per above submissions, investigation has been completed in respect of the petitioner. Let the petitioner 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 Addl. Chief Judicial Magistrate II, Samastipur in Samastipur (Mufassil) P.S Case No. 246 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below



and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Mufassil P.S Case No. 250 of 2021 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

**(Shailendra Singh, J)**

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