

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12903 of 2022**

Arising Out of PS. Case No.-578 Year-2020 Thana- AHYAPUR District- Muzaffarpur

Tullu Kumar, S/o Subodh Kumar Singh, R/o village- Bhadai, P.S.- Hathauri,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 02-08-2022 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 Ahiyapur P.S. Case No. 578 of 2020 registered for the alleged offences under Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, the petitioner was apprehended with a country made pistol while he was trying to escape after looting a person and firing upon him.

The learned counsel for the petitioner submits that the petitioner is innocent and nothing incriminating has been



recovered from his possession. For the same occurrence, two cases were lodged and the instant case is under provisions of Arms Act whereas another case bearing Ahiyapur P.S. Case No.579 of 2020 has been registered under Section 394 IPC and Section 27 of the Arms Act. Charge-sheet has been submitted and the petitioner is in custody 06.07.2020.

Learned APP opposes the prayer for bail submitting that there is specific allegation against this petitioner and he was caught by the public while escaping from the spot after shooting at one of the persons during a loot being committed by the petitioner and other co-accused persons. Further the petitioner is a habitual offender and nine cases are pending against him.

Having regard to the submissions made hereinabove and considering the nature of allegation which is for possession of firearm and further considering the fact that the charge-sheet has been submitted in this case and the petitioner is in custody since 06.07.2020, 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 Additional Chief Judicial Magistrate-X, East Muzaffarpur in connection with Ahiyapur P.S. Case No. 578 of 2020, subject to the conditions



mentioned in Section 437(3) of the Code of Criminal Procedure
and also 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 the deponent, who
has sworn the affidavit.

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

(iv) In case of absence on 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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