

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13031 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- SUPAUL District- Supaul

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GUDDU @ J.D. SINGH @ GUDDU KUMAR SINGH S/o Ajay Kumar
Singh R/o village- Baruari East, Ward No. 08, P.S. and District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 14.04.2021, seeks
regular bail in connection with Supaul (Lokaha O.P.) P.S. Case
No. 291 of 2021 registered for offences punishable under
Sections 25(1-b)a, 26 of the Arms Act.

As per the allegation made in the FIR, one country-
made pistol and two live cartridges were recovered from the
possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that action of local police is vexatious so far as the
present petitioner is concerned as in the past also, for the same



offence, three separate P.S. case has been lodged against the petitioner each for violation of Bihar Prohibition and Excise Act, Arms Act and N.D.P.S. Act. Though, recovery of country-made pistol and two live cartridges have been shown but the seizure list does not bear the signature of the petitioner which vitiates the entire allegation against the petitioner by the prosecution. Petitioner is in custody since 14.04.2021. There is no chance of absconding or tampering and hence petitioner deserves to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Taking into consideration the manner in which the seizure has been effected, the petitioner was not handed over the seizure list and the same becomes doubtful, there being no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Supaul in connection with Supaul (Lokaha O.P.) P.S. Case No. 291 of 2021 subject to the following conditions:



(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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