

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13670 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- BAKHTIYARPUR District- Patna

Ripu Kumar S/o Shankar Singh Resident of Village - Tira, Police Station -
Chero (Harnaut), District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-08-2022 Heard Mr. Jay Ram Prasad, learned counsel appearing
on behalf of the petitioner and Mr. Ram Sumiran Rai, learned
A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Bakhtiyarpur P.S. Case No. 182 of 2021 for the offence
punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The allegation is of recovery of one empty magazine
along with a loaded country made pistol having four cartridges
from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner is innocent and has falsely been



implicated in the present case. No incriminating article has been recovered from conscious physical possession of the petitioner. The police forcibly taken the signature of the petitioner on the seizure list under coercion although he was not carrying arms and he was simply a passerby. The allegation of recovery of arms is against other co-accused. Petitioner has clean antecedent and he is in custody since 14.09.2021.

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

Having considered the rival submissions of the parties as well as material on record, taking into consideration the nature of allegation as well as period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Barh in connection with Bakhtiyarpur P.S. Case No. 182 of 2021, subject to the following conditions:-

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

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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