

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15497 of 2022

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

RAJ KUMAR @ SUPAL Son of Siya Sharan Chouhan Resident of Village -
Girdharchak, P.S.- Bena, District - Nalanda. At present Mohalla - Jangbahadur
Market, Khemnichak, P.S.- Ramkrishna Nagar, District - Patna.

... .. 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. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-06-2022 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 14.09.2021, seeks
regular bail in connection with Bakhtiyarpur P.S. Case No. 182
of 2021 registered for offences punishable under Sections 25(1-
b)a/26/35 of the Arms Act.

As per the allegation made in the FIR, one country-
made pistol, a magazine loaded with four live cartridges and an
empty magazine were recovered from the possession of one
Ripu Kumar. Petitioner and other accused persons were
apprehended on the spot.



Learned counsel appearing on behalf of the petitioner submits that the alleged recovery of arms has been made from one co-accused Ripu Kumar, which is evident from the perusal of the FIR itself. No recovery has been found to have been made from the possession of the petitioner. Charge-sheet has already been submitted. Petitioner has clean antecedent and he is in custody since 14.09.2021. There is no chance of absconding or tampering and hence the 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.

Considering the nature of allegation made in the FIR, period of custody undergone by the petitioner, charge-sheet has already been submitted, there being no allegation of tampering the evidence or influencing the witnesses and the trial is 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 A.C.J.M., Barh in connection with Bakhtiyarpur P.S. Case No. 182 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.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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