

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30857 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

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GUMANI RAI Son of Late Baiju Rai Resident of Village-Chhota Khursheda,
P.S.-Sahebganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for

the offence under Sections 25(1-b)a, 26 and 35 of the Arms

Act.

The case relates to recovery of two loaded country

made pistol along with one live cartridges and one mobile

phone.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. He further submits that it appears

from the seizure list, one loaded country made pistol along

with one live cartridges and one mobile phone have been



recovered from the possession of the petitioner. In fact, nothing has been recovered from the conscious possession of the petitioner. Moreover, the co-accused, namely, Santosh Kumar, has already been granted bail by the Court below vide order dated 30.03.2022 passed in B.P. No. 422 of 2022. The petitioner is rotting in judicial custody since 27.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with Sahebganj P.S. Case No. 31 of 2022 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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