

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43046 of 2021**

Arising Out of PS. Case No.-237 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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VISHAL KUMAR S/O BIPIN SINGH R/O VILLAGE-DHOBALI, P.S-
MUFFASIL, DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap, Advocate.

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

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 01-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and 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, who is in custody since 17.04.2021,
seeks regular bail in connection with Muffasil (Lakho) P.S. Case
No. 237 of 2021 for the offence punishable under Sections 25(1-
b)a and 26(2) of the Arms Act.

The prosecution case, in brief, is that one country
made pistol was recovered from the possession of the petitioner
which is a prohibited item.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. Charge sheet has been submitted in this case without prior sanction as required under Section 39 of the Arms Act and therefore false implication of the petitioner cannot be ruled out. The agnate of the petitioner with whom the petitioner has long standing dispute regarding the boundary wall has implicated the present petitioner in a false case. Petitioner is in custody since 17.04.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that the petitioner is named in the F.I.R. and a country made pistol has been recovered from the possession of the petitioner against whom it has been alleged that he had threatened to kill Ram Uday Singh @ Doman Singh, as such the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case as well as custody of the petitioner and clean antecedent of the petitioner as stated in Para-3 of the bail petition and there is admitted dispute between the parties, 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 CJM, Begusarai in connection with Muffasil (Lakho) P.S. Case No. 237 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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