

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45036 of 2021**

Arising Out of PS. Case No.-72 Year-2021 Thana- DAUDNAGAR District- Aurangabad

KALYAN KUMAR @ RAJNISH KUMAR S/O RAMSUNDAR SINGH R/o
village- Soni, P.S.- Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-02-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Daudnagar P.S. Case No. 72 of 2021 registered for the offence
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

According to the prosecution, upon the search
conducted by the police, one loaded country made pistol was
recovered from the waist of the petitioner and another
country made pistol along with magazine having two live
cartridges were recovered beneath the pillow of the bed of
the petitioner and also a single barrel rifle was found which
was kept beneath the bed of the petitioner.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R. and merely on the basis of suspicion, the petitioner has been made accused in this case. In fact, nothing incriminating has been recovered from the conscious possession of the petitioner rather the alleged recovery of firearms are planted one by the police to implicate the petitioner in this case. Moreover, the police after investigation has submitted charge-sheet in the case against the petitioner on 11.04.2021 and the petitioner is rotting in judicial custody since 12.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one 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 Sub-Divisional Judicial Magistrate, Daudnagar in connection with Daudnagar P.S. Case No. 72 of 2021 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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