

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45156 of 2021

Arising Out of PS. Case No.-130 Year-2021 Thana- NOORSARAI District- Nalanda

1. UMESH PRASAD, S/O LATE DURGA PRASAD R/o village- Amba Nagar, P.S.- Noorsarai, District- Nalanda
2. Bablu Kumar, S/o Umesh Prasad R/o village- Amba Nagar, P.S.- Noorsarai, District- Nalanda

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

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

The petitioners, who are in custody since
24.04.2021, seek regular bail in connection with Noorsarai P.S.
Case No.130 of 2021, for the offence punishable under Sections
25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that one firearm
was recovered, which hidden in the bricks, from the house of
the petitioner No.1, who is father of petitioner No.2.
Accordingly, the seizure-list was prepared in presence of both



the petitioners.

Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in this case. He further submits that petitioners are in custody since 24.04.2021 and due to enmity with one villager, namely, Nandan Kumar, the petitioners have falsely been implicated in this case and in this regard, he has made specific statement in para 10 of the bail application. He further submits that nothing incriminating material has been recovered from their conscious possession.

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

Considering the above mentioned facts and circumstances of the case, the petitioners have been roped in the present case due to enmity with his co-villager for which he has made specific statement in paragraph 10 of the bail application. The petitioner no.1 is the father of petitioner No.2, who is student. There is no allegation of tampering the evidence or influencing the witnesses and the trial of the petitioners are not likely to be completed in near future due to pandemic of Covid-19, the Court below is directed to obtain criminal antecedent report of the petitioners from the concerned Superintendent of Police and if it is found that no other criminal case is pending



against the petitioners, as what has been stated in paragraph No.3 of the present bail application filed on behalf of the petitioners, the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-VII, Biharsharif, Nalanda in connection with Noorsarai P.S. Case No. 130 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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