

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45174 of 2021

Arising Out of PS. Case No.-26 Year-2021 Thana- BARURAJ District- Muzaffarpur

ARJUN KUNWAR Son of Laxman Kunwar Resident of Village- Semra, P.S.-
Baruraj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
		Mrs. Divya Bharti, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 22-03-2022 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 01.03.2021, seeks
regular bail in connection with Baruraj P.S. Case No. 26 of 2021
dated 22.02.2021 registered for offences punishable under
Section 414 of the Indian Penal Code and Section 25(1-
b)A/26/35 of the Arms Act.

Prosecution story in brief is that one loaded pistol
with seven live cartridges were recovered from the waist of the
petitioner and one revolver, one magazine and 37 live cartridges
were recovered from the brand new Ecosport car without



bearing any registration number. Petitioner did not show any valid papers immediately at the time of search of his vehicle.

Learned counsel appearing on behalf of the petitioner submits that petitioner is having valid license duly issued by the Office of the Commissioner of Police, Dimapur, Nagaland and in this regard petitioner has brought on record verification report of arms license duly issued in the name of his wife bearing UIN-051820034221102018 in favour of Smt. Anita Kumari, W/o Arjun Kumar, Resident of Narwara, P.S. Baruraj, District- Muzaffarpur (Bihar) and UIN-051820034220892018 in favour of Mr. Arjun Kumar, S/o Laxman Kumar, Resident of Narwara, P.S. Baruraj, District- Muzaffarpur (Bihar) and both the licenses are permitted to be carried all India. He further submits that so far as brand new unregistered Ecosport car is concerned also belongs to the petitioner and in this regard, he has brought on record sale letter delivered by Aarna Automobiles Pvt. Ltd., Muzaffarpur and sale note duly issued by Aarna Automobiles Pvt. Ltd., Muzaffarpur purchased in the name of his wife namely, Anita Kumari. He further submits that the petitioner has been made accused in altogether eight cases to which final form has been submitted in Baruraj P.S. Case No. 47 of 2019, Baruraj P.S. Case No. 48 of 2019 and Baruraj P.S. Case No. 49 of 2019



and with respect to Baruraj P.S. Case No. 273 of 2018, Baruraj P.S. Case No. 126 of 2018, Baruraj P.S. Case No. 180 of 2019, Baruraj P.S. Case No. 133 of 2020 and Paru P.S. Case No. 467 of 2019 he is on bail and in this regard, by way of supplementary affidavit, he has brought all the orders by which he has been released on bail. Petitioner is in custody since 23.02.2021.

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

Considering the aforesaid facts and circumstances of the case, pleading made in the bail application as well as supplementary affidavit, the petitioner has brought all the legal documents concerning the arms as well as the vehicle. The Court below is directed to verify the verification report of arms licenses duly issued in favour of the petitioner from the office of Senior Superintendent of Police, Muzaffarpur in whose favour the said verification report has been communicated by the Office of the Commissioner of Police, Dimapur, Nagaland, under the signature of Deputy Commissioner of Police (Crime), Dimapur, Nagaland as well as the sale certificate duly issued by Aarna Automobiles Pvt. Ltd. dated 27.02.2017. If the above two documents are found to be genuine, 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 Judicial Magistrate-Ist Class, Muzaffarpur (West) in connection with Baruraj P.S. Case No. 26 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.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

