

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36662 of 2022

Arising Out of PS. Case No.-193 Year-2022 Thana- SARAIYA District- Muzaffarpur

Shivam Kumar Son Of @ Sunil Singh @ Sunil Kumar Singh @ Sunil Kumar
Resident Of Village- Ramkrishna Dubahi P.S.- Saraiya, Dist- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Saraiya P.S. Case No. 193 of 2022 for the offences under
Section 414 of the Indian Penal Code and 25(1-B)a, Section 26
of the Arms Act.

As per the prosecution story, police patrol party in
course of vehicle checking, intercepted this petitioner coming
on a motorcycle. As he tried to escape, he was searched and one
loaded country made pistol and a motorcycle were
recovered/seized. As he failed to produce any document, seizure
list prepared and he was arrested.



Learned counsel for the petitioner submits that so far as the motorcycle is concerned, it belongs to his father and he has annexed document to this effect (vide Annexure 2 to the bail application). Regarding recovery/seizure of the arms, the counsel for the petitioner submits that he has already suffered by being in custody since 26.3.2022 (as stated in para-10 of the bail application).

Considering the fact that the motorcycle belongs to the petitioner's family, he is in custody since 26.3.2022, charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Muzaffarpur (West), in connection with Saraiya P.S. Case No. 193 of 2022 subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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