

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40291 of 2022

Arising Out of PS. Case No.-143 Year-2022 Thana- KADAMKUAN District- Patna

AKSHAY RAJ @ AKSHAY KUMAR Son of Amar Kumar (Mentioned 27 Years), R/o Kazipur Akhara Roa, Gwar Toli, Near Kali Mandir, C/o Sri Balbir Kumar, Kumhrar, Patna, P.S.- Agamkuan, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh
		Mr. Arvind Kumar Sharma
		Mr. Chetan Kumar
For the Opposite Party/s	:	Mrs. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-10-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Kadamkuan P.S. Case No. 143 of 2022 registered for the offences punishable under sections 25(1B) A, 26, 27, 37 of the Arms Act and under section 25(9) of the Arms Amendment Act.

As per the allegation, on the eve of Holi, petitioner fired in the air and when co-accused Rahul Kumar tried to fire, the firearm was accidentally used in the hand of said co-accused who sustained injury.

The main submissions advanced by learned counsel Mr. Pramod Kumar Singh appearing for the petitioner are that the petitioner has been languishing in jail since 19.03.2022, the main allegation against him is of opening firearm in the air and the name of this petitioner was disclosed by the co-accused and the alleged firearm which was used in the alleged firing was recovered from the possession of co-accused Aditya Kumar @ Rohit. Further submission is that against the petitioner there is criminal antecedent of one case in which he is on bail and moreover, the alleged firing was not made with an intention to cause injury to anyone.

Mrs Rina Sinha, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and considering the nature of allegation appearing against the petitioner and his custody period, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Let the 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 the Additional Chief Judicial Magistrate, Patna in Kadamkuan P.S. Case No. 143 of 2022 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Kadamkuan P.S. Case No. 108 of 2020 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

Hassan/maynaz/-

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