

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40046 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- SARMERA District- Nalanda

ARUN KUMAR @ ARUN YADAV Son of Kameshwar Pd. Yadav Resident
of Village - Chhoti Kenar, P.S.- Sarmera, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-10-2022 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 Sarmera P.S. Case No. 23 of 2022 as G.R No. 422 of 2022
for the offences under Sections 25 (1-B)a, 26 and 35 of the
Arms Act.

As per the F.I.R, the police upon secret information
raided the house of the petitioner. Although, he tried to escape
but was apprehended and upon search of his house, one country-
made pistol and six live cartridges were recovered. As he failed
to submit any document, seizure list prepared F.I.R instituted
and the petitioner was taken into custody.

Learned counsel for the petitioner submits that the



recovery is from the house and only because he was present there, he was taken into custody and is in jail since 02.02.2022 (as stated in the paragraph-5 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the fact that the recovery is from the house, the petitioner is in custody since 02.02.2022, charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Sarmera P.S. Case No. 23 of 2019, 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 reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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