

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41184 of 2022

Arising Out of PS. Case No.-369 Year-2022 Thana- NAGAR District- Vaishali

GAUTAM KUMAR @ MITTHU S/o Shri Braj Kishore Singh Resident of
S.D.O. Road Andar Kila, P.S.- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Kishore Singh Chouhan
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Hajipur Town P.S. Case No. 369 of 2022 registered for the
offences punishable under Sections 25(1-b)/A/26/35 of the Arms
Act.

As per prosecution case, there is alleged recovery
of one vivo mobile from the petitioner. It is further alleged that
arms and live cartridges were recovered from the possession of
co-accused persons.

Learned counsel for the petitioner submits that
petitioner is in custody since 11.05.2022. Petitioner bears no



criminal antecedent, however, a separate case has been drawn in the same sequence of recovery of wine. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the mobile which is recovered from the petitioner, belongs to his cousin. Except mobile nothing incriminating has been recovered from the possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur in connection with Hajipur Town P.S. Case No. 369 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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