

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40828 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- MEHUSH District- Sheikhpura

HARI OM KUMAR @ GUDRA S/o Ramanand Singh R/o village- Mehush,
P.S.- Mehush, District- Sheikhpura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. N. K. Agarwal, Sr. Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-10-2022 Heard Mr. N. K. Agarwal, learned Senior Counsel
for the petitioner and the learned APP for the State.

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

The case is registered under sections 25(1-b)a/26
of the Arms Act, in connection with Mehush P.S. Case No. 32
of 2022.

As per the prosecution story, the police upon secret
information, raided the house of the petitioner and upon search,
it is alleged that one country made pistol of 7.65 bore and three
live cartridges were recovered. Accordingly, in absence of any
document to this effect, seizure list was prepared, FIR was



instituted and he was taken into custody.

Learned Senior Counsel concedes that although he has criminal antecedent, the present case is clearly offshoot of 29 of 2022 lodged under sections 341, 323, 324, 326, 307, 327 and 504/34 of the Indian Penal Code by his family members which was followed by counter case of Mehush P.S. Case No. 30 of 2022. Further, the accused of the said Mehush P.S. Case No. 29 of 2022 in conspiracy with the police, implicated him in this case. He further submits that the petitioner is in custody since 25.5.2022 (as stated in para-16 of the bail application).

The learned APP on the other hand opposed the prayer for bail.

Taking into account the aforesaid facts that the petitioner is in custody since 25.5.2022, charge-sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him the privilege of bail with the condition in view of the fact that he has criminal antecedent.

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 learned Additional Chief Judicial Magistrate-1st, Sheikhpura, in connection with Mehush P.S. Case No. 32 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 reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall leave his district for a period of one month after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) 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;

(vi) 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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