

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40851 of 2022

Arising Out of PS. Case No.-6 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Bhikhari Sah @ Bhikhari Kumar S/O Ram Badan Sah Resident of village-
Pahsara, P.S.- Nawkothi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate
For the Opposite Party/s : Mr.Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Nawkothi P.S. Case No. 6 of 2021 registered for the alleged offences under Section 25(1-B)a, 26 and 35 of the Arms Act

As per prosecution case, the co-accused Gorelal Singh was apprehended in inebriated condition and this co-accused confessed his role in a number of crimes and disclosed the name of the petitioner along with other co-accused persons who carried fire arms and ammunitions and were accomplice of the co-accused in



his crimes.

Learned counsel for the petitioner submits that except for confessional statement of co-accused Gorelal Singh, nothing has come up against this petitioner who has been maliciously implicated in this case. Nothing incriminating has been recovered from his person or possession and there is no legal evidence against this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 04.10.2021. The petitioner has been made accused in a number of cases under the same police station. Other co-accused persons from whom recovery of fire arms and ammunitions were made have been granted bail vide order dated 17.08.2021 passed in Cr. Misc. No. 52600 of 2021, vide order dated 30.01.2022 passed in Cr. Misc. No. 41320 of 2021 and vide order dated 06.09.2022 passed in Cr. Misc. No. 55936 of 2021, respectively.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the grant of bail to other co-accused persons along with the period of custody of this petitioner and submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai in connection with Nawkothi P.S. Case No. 06 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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