

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42724 of 2022

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

Chikku Kumar, Son of Golki Singh, Resident of Village - Pahsara, P.s.-
Nawkothe, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Nawkothe P.S. Case No. 06 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 firearms 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 20.09.2021. The petitioner has been made accused in a number of cases under the same police station. Other co-accused persons from whom recovery of firearms 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, vide order dated 06.09.2022 passed in Cr. Misc. No. 55936 of 2021 vide order dated 14.10.2022 passed in Cr. Misc. No. 40851 of 2022 and vide order dated 18.10.2022 passed in Cr. Misc. No. 2403 of 2022, 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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