

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41524 of 2022

Arising Out of PS. Case No.-177 Year-2020 Thana- BEERPUR District- Begusarai

Vivek Kumar S/o Rakesh Kumar Roy, R/o village- Sothgama, P.S.- Vidyapati Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-12-2022 Let the defect(s), if any, be removed within two weeks from today.

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

The petitioner seeks regular bail in connection with Birpur P.S. Case No. 177 of 2020, lodged under Sections 25(1-b)/26 and 35 of the Arms Act.

As per prosecution case, the informant is the Police official who lodged the case for recovery of arms from the house of Dharmendra Sahni. The informant is the I.O. of Birpur P.S. Case No.171 of 2020 dated 16.12.2020 lodged under Sections 394 and 397 of I.P.C. and subsequently for the recovery of arms the present case has been filed bearing Birpur P.S. Case No.177 of 2020 dated 25.12.2020.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that there is one case, in which Police was doing investigation and entry should be prepared in the said list, but instead of making entry in the said list, the Police has filed another criminal case which is present case. Learned counsel for the petitioner further submits that petitioner is in custody since 17.02.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Begusarai in connection with Birpur P.S. Case No. 177 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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