

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52131 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- SHASTRINAGAR District- Patna

Neeraj Kumar @ Golu, Son of Late Jagrnath Sah @ Late Jagarnath Sah
Resident of Kalibagh, Rajendra Nagar, Ward No.04, P.S.- Kalibagh (O.P.),
District- Bettiah (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Advocate
For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 12-09-2022 Heard learned counsel for the petitioner and the learned
APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Shastri Nagar P.S. Case No.74 of 2021 instituted under Sections
25(1-b)a/26/27/35 Arms Act.

The petitioner who is also an accused in connection with
Harsidhi P.S. Case No.47/2021 under Section 302/34 of the Indian
Penal Code was arrested in that case and brought to ‘Punaichak’
Patna under Shastri Nagar Police Station and upon search of his
house, a countrymade pistol and two live cartridges were
recovered/seized which led to the lodging of the present case.

Learned counsel for the petitioner submits that although
he indeed is an accused in connection with Harsidhi P.S. Case
No.47/2021 lodged under Section 302/34 of the Indian Penal Code,



so far as this case is concerned it only relates to the recovery/seizure of the arms and the live cartridges. He thus submits that in view of the fact that he is in custody since 13.02.2021, so far as this case is concerned, he may be enlarged on bail.

Learned counsel for the State on the other hand has taken this Court attention to different paragraphs to show that it was in connection with the heinous crime of killing of an innocent person that the petitioner was apprehended and subsequently he was brought to his house and that led to recovery/seizure of the arms as also the live cartridges. Further submission is that the charge-sheet has been submitted on 27.04.2021.

So far as this case is concerned, it relates to the recovery/seizure of the arms and the live cartridges and in view of the fact that he is in custody since 13.02.2021 as also that the charge-sheet has been submitted, this Court is inclined to grant him privilege of bail. However, in view of the fact that he is accused in a case under Section 302/34 of the Indian Penal Code, strict conditions are necessary to be imposed upon him so that he is regularly present before the Trial Court.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Shastri Nagar P.S. Case No.74 of 2021 to the satisfaction of learned ACJM,IV, Patna, subject to 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 even for a single day without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fifteen days till the conclusion of the Trial;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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