

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52600 of 2021

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

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GORELAL SINGH Son of Late Lalan Singh Resident of Village - Pahsara,
P.S.- Nawkothe, Dist.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party/s : Mr. Rajendra Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 17-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Nawkothe P. S. Case No. 06 of 2021
registered for the offences punishable under Sections 25(1-b)a,
26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that the



petitioner on being drunken condition apprehended by the police and on the disclosure made by the petitioner two loaded country-made pistols have been recovered from an orchard. It is further alleged that thereafter, other recovery has been made from other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recoded from the person or possession of this petitioner, however, the alleged recovery has been made from a different place but only in order to implicate the petitioner, the recovery has been shown from his possession. It is further submitted that there is other infirmities in the preparation of seizure list and moreover, the petitioner is in custody since 10.01.2021, though the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that on the confession made by the petitioner recovery of two arms have been made.

Having considered the submissions made on behalf of the parties and taking into account the period of custody as also the fact that the recovery has been made from an orchard



and so far other recovery are concerned, that have been made from other co-accused persons, who have already been granted bail by learned co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five 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 condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any



stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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