

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43337 of 2022

Arising Out of PS. Case No.-243 Year-2022 Thana- AKBARPUR District- Nawada

SAURABH KUMAR Son of Pramod Kumar Resident of Village -
Khizersarai, P.S.- Khizersarai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Akbarpur P.S. Case No. 243 of 2022 registered for the offences
punishable under Section 25(1-b)A of the Arms Act.

As per prosecution case, the informant alongwith
other police officials stopped the motorcycle. On search, one
country made pistol was recovered from the bag which is kept
between motorcycle driver co-accused Nikhil Kumar and
petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 05.06.2022. Petitioner bears no



criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Seizure list has not been made as per law. He further submits that petitioner is innocent and nothing has been recovered from the petitioner. Petitioner is not the owner of alleged motorcycle rather he was pillion rider of that motorcycle and he has no knowledge about alleged arms.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada in connection with Akbarpur P.S. Case No. 243 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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