

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45542 of 2022**

Arising Out of PS. Case No.-280 Year-2021 Thana- SHAMBHUGANJ District- Banka

Namish Kumar Singh @ Nunu Singh Son Of Late Subhash Singh Resident Of
- At Ramchua, P.S.- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyadarshi Matri Sharan, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 29-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Shambhuganj P.S. Case No. 280 of 2021 registered for the
offences punishable under Sections 25(1-b)a and 26 of the Arms
Act.

As per the prosecution, the informant along with other
police personnel acting upon a secret information raided the
alleged place and apprehended this petitioner and upon making
search from the possession of this petitioner a loaded country-
made pistol with four cartridges was recovered.



The main submissions advanced by learned counsel Mr. Priyadarshi Matri Sharan appearing for the petitioner are that as per the seizure memo, the alleged firearm is stated to have been recovered from the house of this petitioner and not from the conscious possession of this petitioner and the petitioner has been languishing in jail since 21.11.2021, though against him there is criminal antecedent of three cases but the said cases are not of similar nature to the present case and moreover after filing the instant Cr. Misc. Petition the petitioner has got bail in all the said cases of his criminal antecedent and in the present case the investigation has been completed but the petitioner's trial has not started till now.

Learned APP Mr. Dr. Ajeet Kumar appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly taking into account the petitioner's custody period and also the facts that the alleged recovery of firearms was made before the police personnel and the witnesses who are to be examined in the trial of the petitioner are official witnesses and as per the above submissions even after the long period of petitioner's custody his trial has not started till now, in the opinion of this Court, a lenient approach can be taken in respect of the



petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Shambhuganj P.S. Case No. 280 of 2021, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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