

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55936 of 2021**

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

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Musan Kumar @ Chanchal Kumar Son Of Mukund Kumar Singh Resident
Of Village- Pahsara, Babhangama, Ward No. 05, P.S. Nowkothi, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 06-09-2022 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. Sandip Kumar Gautam, 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 Nowkothi 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 on the
disclosure made by co-accused Gorelal Singh, various arms and



ammunitions have been recovered from the possession of co-accused persons named in the F.I.R.

Learned counsel appearing on behalf of the petitioner submitted that in fact, neither any recovery has been made from the person or possession of this petitioner nor even during the course of search anything has been recovered from his house. It is next submitted that the entire recovery has been made on the disclosure of co-accused Gorelal Singh and he has already been granted bail by this court in Cr. Misc. No. 52600 of 2021 vide order dated 17.08.2022. It is further submitted that only because of past criminal antecedent of the petitioner, his name has been implicated in this case without any cogent material. It is last submitted that the petitioner is in custody since 10.08.2021 and other co-accused persons were apprehended with weapons have already been granted bail by different coordinate Benches of this Hon'ble Court.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is found involved in three other criminal cases.

Regard being had to the facts that the co-accused on whose disclosure, entire recovery has been made has already been granted bail and so far the petitioner is concerned, there is



no recovery and he is in custody since 10.08.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, 1st Class, Begusarai in connection with Nowkothi 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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