

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56151 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- ARA NAGAR District- Bhojpur

Vijay Kumar Gupta @ Vijay Kumar Sonof Radha Kishun Prasad Resident of
Village - Sihauta Bazar, P.s.- Maharajganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh
For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Ara Nagar P.S.Case No. 105 of 2021 for the offences
punishable under Sections 25(1-B) AA, 26, 35 of the Arms Act.

As per prosecution case, on secret information, that
some criminals had assembled in the house of Rakesh Yadav for
committing crime. On raid three persons were found present in a
room of the said house and on being search automatic 9 mm
pistol made in USA loaded with magazine containing four live
cartridges was recovered from possession of co-accused Aditya
Kumar. It is further submits that three country made pistols and



25 live cartridges were also recovered from a bag kept in a room. Though the recovered arms and ammunitions were found in the house of Rakesh Yadav but surprisingly enough, he has not been made accused in this case.

Learned counsel for the petitioner submits that petitioner happens to be father of Aditya Kumar from whose conscious possession, one pistol and four cartridges were recovered. It is further submits that petitioner is in custody since 03.02.2021. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner is only present in the room at the time of raid.

The learned A.P.P opposed the prayer for bail of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner happens to be father of co-accused Aditya Kumar and nothing has been recovered from conscious possession of the petitioner. He is in custody since 03.02.2021. Except his presence in the room, there is no other material against him, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Ara, Bhojpur in connection with Ara Nagar P.S.Case No. 105 of 2021, subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

N.K/-

U		T	
---	--	---	--

