

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59469 of 2021

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

Aditya Kumar S/O Vijay Kumar Gupta @ Vijay Kumar R/O village- Sihauta
Bazar, P.S.- Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 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 the prosecution case, it is alleged that from
possession of the present petitioner 9.mm loaded pistol made in
USA with four live cartridges were recovered. It is further
alleged that from the house of Rakesh Yadav, three persons
including petitioner were found present. On search of the house
three automatic pistols and 25 live cartridges were also
recovered from a bag. It is submitted on behalf of the petitioner



that though huge quantity of pistol and live cartridges were recovered from the house of Rakesh Yadav but surprisingly, Rakesh Yadav has not been made accused. Further counsel for the petitioner submits that the seizure list does not contain even the case number and there is no compliance of section 100 Cr.P.C, which attracts suspicion. It is next submitted that petitioner has got no criminal antecedent and is in custody since 03.02.2021 and the investigation has already concluded and the charge sheet has been submitted.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that 9 smm pistol loaded with four live cartridges were recovered from possession of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that, petitioner is in custody since, 03.02 2021 having no criminal antecedent and the investigation has already completed, 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 Additional 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.

N.K/-

(Harish Kumar, J)

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