

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 49281 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- NAWANAGAR District- Buxar

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BADAL KUMAR, Male, Aged about 19 years, Son of Shiv Shankar Singh,
R/o Village – Kosanda, PS – Suryapura, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Mohit Shriwastava, Advocate

For the Opposite Party/s : Ms Nirmala Kumari, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Nawanagar Police Station
(for brevity, **PS**) Case No 97 of 2022/GR No 777/2022
registered for the offence punishable under Section 412 of
Indian Penal Code and Section 25 (1-b) a, 26, 35 of Arms Act.

The police have received information that three boys
with two motorcycles were carrying illegal arms. Thereafter,
the petitioner has been apprehended along with co-accused
Mukesh Kumar. From the petitioner, there is alleged recovery
of two live cartridges of .315 bore, mobile phone and some
other articles.



Learned counsel for the petitioner submits that the petitioner has been in custody since 25.03.2022. It is submitted that he is on bail in Nawanagar PS Case No 96 of 2022 pending against him since before. Co-accused Mukesh Kumar, from whose possession there was recovery of a country made pistol also, has been allowed bail by this Court by order dated 23.09.2022 passed in Cr Misc No 36773 of 2022. The recovery is denied and disputed and it is submitted that it is not supported by any seizure list in accordance with law and that charge sheet has already been submitted in this case.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, First Class, Buxar in Nawanagar PS Case No 97 of 2022/GR No 777 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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