

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49053 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- GAMAHARIYA District- Madhepura

Saurabh Kumar @ Saurabh Kumar Suman, (Male), aged about- 22 years, S/o Shambhu Ram, Resident of Manpur, P.S.- Gamaharia, District- Madhepura, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rakesh Kumar Singh, Adv.

For the Opposite Party : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 This matter has been taken up today for consideration through video conferencing.

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

The petitioner seeks bail in connection with Gamharia P.S. Case No. 58/22 dated 12.04.2022, registered for the offence punishable under Sections 25(1-B) (a), 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that since 13.04.2022, the petitioner is stated to be in custody. His arrest is based on alleged recovery of a country made pistol and live cartridges from his possession. It is also alleged that he was carrying one mobile phone. Recoveries have been made



allegedly during routine checking of vehicles.

The learned counsel for the petitioner submits that at the time of arrest, the petitioner was just above 18 years of age. From bare perusal of the seizure list, it is apparent that seizure is not in accordance with law as it does not bear the petitioner's signature. Petitioner is having no criminal antecedents and the co-accused namely Pritam Kumar Sagar has been allowed bail by the learned Court below.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 the learned Court of Chief Judicial Magistrate (C.J.M.), Madhepura, in connection with Gamharia P.S. Case No. 58/22 dated 12.04.2022, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

Raj kishore/-

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