

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60565 of 2021

Arising Out of PS. Case No.-422 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Shivam Kumar, S/o Bablu Singh, R/o village- Babhangama, Ward No. 4, P.S.-
Birpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Advocate
		Mr. Randhir Kumar No.1, Advocate
For the Opposite Party/s :		Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 30-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ravi Shankar Sahay, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Begusarai (Town) P.S. Case No. 422 of 2021 registered for the offences punishable under Sections 147, 148, 149, 427 of the Indian Penal Code and Sections 25(1-b) a, 26(2), 27 of the Arms Act.

As per the prosecution case, it is alleged that the police having received information that some miscreants were making indiscriminate firing and were indulged in demolishing



the boundary wall, reached to the place of occurrence. On noticing the police party, some of the miscreants started fleeing away, however, three of them were apprehended by the police, who allegedly disclosed the name of one Kundan Kumar. On the disclosure made by them, the police raided the house of Kundan Kumar and this petitioner was also apprehended from the house of Kundan Kumar and on search one country made pistol and six live cartridge were recovered from the house of Kundan Kumar.

Learned counsel appearing on behalf of the petitioner submits that the entire recovery has been made from the house of Kundan Kumar and in fact no incriminating material has been recovered from the person or possession of this petitioner. It is next submitted that so far co-accused Kundan Kumar, from whose house recovery has been made, is concerned, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 62032 of 2021 vide order dated 30.05.2022. It is next submitted that there is general and omnibus allegation against all the F.I.R. named accused persons and no specific allegation has been levelled against the petitioner and moreover the petitioner is in custody since 07.07.2021, having fair antecedent.



On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was arrested from the house of co-accused Kundan Kumar from where entire recovery has been made.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the house of Kundan Kumar and moreover there is no allegation of any active participation of this petitioner and he is having fair antecedent, is in custody since 07.07.2021, let the petitioner, named above, 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, Begusarai in connection with Begusarai P.S. Case No. 422 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 physically 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)

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