

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.50505 of 2022**

Arising Out of PS. Case No.-168 Year-2022 Thana- BARAUNI District- Begusarai

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SANJEEV KUMAR @ GUDDU S/o Ram Chandra Mahto Resident of
Village - Simariya Ghat (Bind Toli), P.S.- Barauni, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Raghu Nath Singh, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-12-2022 Learned counsel for the petitioner undertakes to
remove the SR defects by 16th January, 2023.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Barauni P.S. Case No. 168 of 2022 registered
for the offences punishable under Section 25(1-b)a, 26, 35 of the
Arms Act. He is in custody since 18.04.2022 having two
criminal antecedents as stated in paragraph '3' of the
application.

As per the prosecution story, the informant alleged
that while he along with constable were coming near the house
of the petitioner, the petitioner started fleeing away from his
house but on chase the petitioner was caught and on being



searched a country made pistol with magazine were recovered from the waist of the petitioner.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner has been arrested only on the confessional statement of the co-accused, however he is in custody since 18.04.2022.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this court has noticed that from possession of the petitioner one 1.76 bore country made pistol with magazine is said to have been seized, there is no allegation that the magazine was loaded with any live cartridge and in connection with this case petitioner has remained in custody since 18.04.2022, investigation against him is complete and there is no submission that his release is likely to result in tampering with the evidence or interfering with the court of trial as also the submission that the seizure list witnesses are having previous enmity with the petitioner and his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni P.S. Case No. 168 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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