

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54296 of 2022**

Arising Out of PS. Case No.-371 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Pranav Kumar @ Sona Babu S/o Gopal Tiwari R/o village- Nariyar, Ward No. 11, P.S. and District- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sujit Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Manoj Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Saharsa P.S. Case No. 371 of 2022 registered for the offences punishable under Section 399, 402, 120(B) of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act. He is in custody since 21.05.2022 having two criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he along with other police personnel were on patrolling duty, in the meantime, he received secret information that some miscreants are assembled and planning to commit crime, he



reached there and surrounded the house of Shiv Kumar and knocked the door, thereafter on seeing police party the accused persons tried to escape but they were caught. The informant further alleged that on interrogation the apprehended accused persons were disclosed their name, thereafter, a search was conducted in the house of Shiv Kumar from where arms and ammunitions as also mobile phones were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that there is recovery of one country made pistol and three live cartridge from a room in which this petitioner was sitting, the said house belong to the co-accused Shiv Kumar, however he is in custody since 21.05.2022.

Mr. Manoj Kumar, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein there is a recovery of one country made pistol and three live cartridges from a room in which the petitioner was also sitting with five other persons and the said house belong to the co-accused Shiv Kumar, the petitioner has already remained in custody since 21.05.2022, investigation against him is complete and there being no submission that his release is likely to tampering with the evidence or interfering with the course of trial,



therefore, this Court directs release of the petitioner above-named on bail on furnishing 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, Saharsa corresponding to PTN No. 1194/2022, in connection with Saharsa P.S. Case No. 371 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 steps 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.

This application is allowed.

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

(Rajeev Ranjan Prasad, J)

vats/-

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