

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64938 of 2021

Arising Out of PS. Case No.-557 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

BIBHAV KUMAR S/o Binod Singh @ Binod Kumar Singh Resident of
Village - Pokharia Ward No. -39, P.S. - Town, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the State : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-b)a, 36/35 of the Arms Act.

As per prosecution case in brief is that on 16.10.2020 at about 4:00 A.M. a telephone message has been received by S.H.O. Town Police Station that one Bibhav Kumar is firing indiscriminately with countrymade pistol and for this one person injured. On this information, police party along with informant reached at Chhhoti Kali Mandir where one person flying caught



by the police. During search, one country made pistol and one loaded live cartridge was found on the left side of waist and he could not produce any legal paper of said arms and accused Bibhav Kumar was arrested by the police.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Further submits that it appears from the F.I.R. as well as seizure list one country made pistol and loaded with one live cartridge has been recovered from the possession of the petitioner. Further submitted that in fact father of the petitioner has lodged a case against Bhu-mafia group being Complaint Case No. 740 of 2020. Further submits that there is no independent seizure list witnesses and no compliance of Section 100 of Cr. P.C. and no criminal offence against the petitioner. Petitioner is in custody since 17.10.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending in connection with Town
P.S. Case No. 557 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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