

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.64825 of 2021**

Arising Out of PS. Case No.-84 Year-2021 Thana- GHOSWARI District- Patna

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LALU KUMAR, Son of Krishna Ram, Resident of Village - Sohadi, P.S. - Ariyari, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Ghoswari P.S. Case No.84 of 2021 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act. He is in custody since 18.07.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that, as per the prosecution story, one unloaded country made pistol and four live cartridges have been allegedly recovered from the



possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel for the petitioner submits that no incriminating article has been recovered from the possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 18.07.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that from the possession of the petitioner one unloaded country made pistol and four live cartridges have been allegedly recovered but the seizure list shows that there is no independent witness of respectable inhabitant of the locality and further that the petitioner who has no criminal antecedent otherwise has remained in custody for over nine months and investigation against him is complete as also that his presence may be secured in course of trial, this Court directs that the petitioner above named be released 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 Sri K.P. Arya,



learned J.M.-1st Class, Barh in connection with Ghoswari P.S.
Case No.84 of 2021, 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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

