

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56372 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- BIRPUR District- Supaul

GAURAV KUMAR Son of Rambabu Raman R/O- Bhim Nagar, P.S.- Birpur,
Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 25(1-
B)A/26/35 of the Arms Act, in connection with Birpur P.S. Case
No. 96 of 2022.

As per the prosecution story, the police while
patrolling on Birpur-Bhimnagar road saw a motorcycle coming
from opposite direction. They were asked to stop, tried to
escape, but apprehended. They were Lokesh Kumar Yadav,
Akhilesh Kumar Yadav and Gaurav Kumar (petitioner herein)
and amongst them from this petitioner, it is alleged that a
cartridge was recovered. Accordingly, the FIR lodged, they were



taken into custody.

Learned counsel for the petitioner submits that despite not having any criminal antecedent he has suffered by being in custody since 12.4.2022 (as stated in para-11 of the bail application).

Learned APP appearing on behalf of the State has opposed the prayer for bail.

Taking into account the period of custody as also the fact that he do not have any criminal antecedent, charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. If however, it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Birpur, in connection with Birpur P.S. Case No. 96 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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