

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.57941 of 2022

Arising Out of PS. Case No.-133 Year-2020 Thana- DAUDNAGAR District- Aurangabad

Sonu Kumar @ Ajay Kumar Son Of Ram Pravesh Singh R/O Village-
Umarchok, P.S.- Daudnagar, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 15-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 25(1-B)A,
26 and 35 of the Arms Act and Section 216(A) of the Indian
Penal Code.

According to the prosecution case, the police
raided the house of one Ramnath Yadav where Ajit Yadav
stayed. Police recovered one pistol loaded with three cartridges
from the possession of the Ajit Yadav and one pistol and rifle
along with 39 cartridges and 4 empty cartridges from the house
of Ramnath Yadav. Then, Ajit Yadav disclosed the names of two
persons who fled away including the name of the petitioner.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused person, namely, Ajit Yadav. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner, so no case is made out under the Arms act against the petitioner. He further submits that the recovery has been made from the co-accused person, namely, Ajit Yadav and from the house of the petitioner and two arms recovered from the house of the Ramnath Yadav who is close relative of the petitioner and the same is licency arms.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with



Daudnagar P.S. Case No. 133 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witnesses, 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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