

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69879 of 2021

Arising Out of PS. Case No.-290 Year-2020 Thana- BALIYA District- Begusarai

Chhotu Kumar @ Vivekanand Kumar, Son Of Rambilash Singh Resident Of
Village- Rahatpur, P.S.- Balia, District- Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul- Advocate Mr. Sachindra Kumar Tiwary- Advocate
For the Opposite Party/s	:	Mr. Binod Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 353, 307 of the Indian Penal Code and Sections 27, 25(1-b)a, 26 and 35 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 25.10.2020, charge-sheet has been submitted in this case and has antecedent of nine cases.

Allegation is of recovery of a country-made pistol along with two live cartridges from the petitioner and from the co-accused. It is alleged that two live cartridges along with Rs.35,000/- was also recovered.

The learned counsel for the petitioner submits that



from perusal of the allegation as alleged in the F.I.R., it would manifest that police in self-defence fired hitting the informant and thereafter, the alleged recovery was made. It is submitted that the petitioner, because of his antecedents, came to be implicated in the present case. It is also submitted that even presuming what is alleged is true without admitting for the purposes of bail, the thrust of the allegation is under the Arms Act and the petitioner has remained in custody for nearly 19 months.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in this case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Balia P. S. Case No.290 of 2020, subject to condition that one of the bailors shall be the father of the petitioner namely, Rambilash Singh.

However, it is made clear that if the learned Court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned Court



below shall forthwith cancel his bail bonds after recording reasons.

The application stands allowed.

(Satyavrat Verma, J)

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