

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59668 of 2022

Arising Out of PS. Case No.-450 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Prince Kumar, Son Of Binod Kumar @ Binod Singh, Resident Of Village-
Nimi, Police Station- Sheikhopur Sarai, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shilpi Keshri, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the mother of the petitioner is suffering from severe chest pain and she is completely bedridden and none is there in the family to look after her.

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

In the present case, the petitioner seeks bail in connection with Sheikhpura P.S. Case No. 450 of 2022 registered for the alleged offences under Sections 25 (1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, the petitioner was apprehended with a loaded regular revolver with three live cartridges and also 20 live cartridges were recovered from the



pocket of the pant of the petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as the revolver is a licensed one and it belongs to one Sanjiv Kumar, who is the valid licence holder of the revolver and its cartridges. The revolver was given to the petitioner by the aforesaid person for safe keeping while he went inside the court where he was not allowed to carry any firearms. The petitioner has been working as a care taker of said Sanjeev Kumar and when this person came to know about arrest of the petitioner with his firearms, he made the story of his firearms being stolen by the petitioner and filed a complaint case before the learned Chief Judicial Magistrate, Sheikhpura bearing Complaint Case No. 267 C of 2022. He also gave threats and pressurized the mother of the petitioner to ask the petitioner to admit that the petitioner had stolen the revolver and for this the mother of the petitioner has filed a complaint before the Superintendent of Police, Sheikhpura. The learned counsel further submits that there is no independent witness on the seizure list and the petitioner is in custody since 28.07.2022. The charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting



that the petitioner is having criminal antecedents and three cases are pending against him.

Having regard to the facts and circumstances and submissions made hereinabove and considering the period of custody of the petitioner along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhpura P.S. Case No. 450 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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