

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1871 of 2022

Arising Out of PS. Case No.-35 Year-2021 Thana- BAKHTIYARPUR District- Patna

GAUTAM KUMAR Son of Late Anil Singh Resident of Village - Sirsi, P.S. -
Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bakhtiyarpur P.S. Case No. 35 of 2021 registered for the offence
under Section 25(1B)a and 26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.02.2021.

The allegation against the petitioner is to have in
possession of one country made pistol along with one live
cartridge.

Learned counsel appearing on behalf of the petitioner
submitted that alleged firearm was recovered below the bed of



the petitioner, from a room of the house which belongs to father-in-law, as per seizure list. It is submitted that house of father-in-law of the petitioner, accessed by other family members and as such it cannot be said that firearms were recovered from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery is made from the house of the father-in-law of the petitioner, as per FIR.

Considering the facts and circumstances as mentioned above, as recovery is made from the room of the house of the father-in-law of the petitioner, occupied by other family members coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bakhtiyarpur P.S. Case No. 35 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-III, Barh, Patna/concerned court, subject to the following conditions:



“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Dharmendra Singh, who is the Mama of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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