

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2433 of 2023

Arising Out of PS. Case No.-786 Year-2022 Thana- BRAHMPUR District- Buxar

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Guddu Kumar, Son of Umesh Yadav, R/O Village- Kesath, P.S.- Nawanagar,
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Ajit Kumar, learned counsel for the

petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Brahmapur P.S. Case No. 786 of 2022 registered for the offences punishable under Sections 25(1-b)a, 26/35 of the Arms Act.

In course of patrolling duty, the police intercepted one motorcycle on which the petitioner and one another person were coming. In course of search, one loaded country made pistol was recovered from the possession of the petitioner.

Submission has been made on behalf of the petitioner that nothing has been recovered from the person or possession of the petitioner. However, in course of vehicle checking, some altercation took place between the police personnel and the



petitioner and thereafter his name has been implicated in this case. Further submission has been made that the petitioner, having fair antecedent, is in custody since 05.11.2022 and another co-accused person, who was also apprehended along with the petitioner and from whose possession two live cartridges were recovered, has been allowed the privilege of bail by a learned coordinate Bench of this Court in Cr. Misc. No. 4376 of 2023 vide order dated 07.04.2023.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the period of custody, coupled with the fair antecedent and the fact that charge-sheet has already been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahmapur P.S. Case No. 786 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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