

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3301 of 2023

Arising Out of PS. Case No.-286 Year-2022 Thana- JANDAHA District- Vaishali

Dipu Kumar, Son of Vineti Sahni @ Binit Sahni, R/V and Post- Dhandhua
Ward no. 11, P.S- Jandaha, Dist- Vaishali, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kundan Kumar Ojha, Advocate
For the Opposite Party : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Kundan Kumar Ojha, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Jandaha P.S. Case No. 286 of 2022 registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Allegedly the police intercepted the petitioner and one another person, who were coming on motorcycle and on search one loaded country made pistol was recovered from the possession of the petitioner.

Submission has been made that in fact nothing has been recovered from the person or possession of the petitioner and there is no independent witness to the seizure, apart from the fact that the petitioner, having fair antecedent, is in custody



since 22.09.2022. It is further submitted that now the charge-sheet has been submitted, hence there is no chance of tampering with the evidence.

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 and the other irregularities in the seizure list, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 286 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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