

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6093 of 2023

Arising Out of PS. Case No.-77 Year-2021 Thana- BUNIYAD GANJ District- Gaya

Rahul Kumar @ Ram Babu Son of Radhey Mohan Sav @ Mohan Sav @
Loha Singh Resident of Mohalla - Baijnath Sahai Lane Manpur, P.S.-
Buniyadganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
24.06.2021, in connection with Buniyadganj P.S. Case No. 77 of
2021, F.I.R. dated 22.05.2021 registered for the offences
punishable under Sections 25(1-b)a, 26 of the Arms Act.

The case relates to recovery of automatic pistol.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that from bare perusal of the
F.I.R. as well as seizure list it appears that one automatic pistol
has been recovered from the possession of the petitioner. He
further submits that there is non-compliance of Section 100 of



the Cr. P.C. and the petitioner has been remanded in the present case from Buniyadganj P.S. Case No. 73 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.06.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Gaya in connection with Buniyadganj P.S. Case No. 77 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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