

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5315 of 2020

Arising Out of PS. Case No.-144 Year-2018 Thana- MATIHANI District- Begusarai

Raj Kumar Singh @ Budhan Sardar S/o- Ram Padarath Singh R/o- Village-
Sihma, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 25(1-a), 25(1-aa), 25(1-b)a,
26 and 35 of the Arms Act.

The case relates to recovery of one country made rifle
with 10 live cartridges from possession of co-accused Aash
Kumar @ Raj Kumar, one country made rifle with 3 live
cartridges from possession of co-accused Ram Pravesh Yadav.

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 the petitioner is not named
in the F.I.R. and name of the petitioner has been transpired
during investigation on the basis of confessional statement of co-
accused persons namely Mahendra Yadav and Shyam Sundar



Yadav. He further submits that it appears from the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the possession of the petitioner rather recovery has been made from the house of co-accused persons Mahendra Yadav and Shyam Sunder Yadav. He further submits that in view of the aforesaid fact, no case is made out under the Arms Act against the petitioner. He further submits that similarly situated co-accused Aash Kumar @ Raj Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 13.03.2019 in Cr. Misc. No. 15381 of 2019, another co-accused namely Ram Pravesh Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 08.05.2019 in Cr. Misc. No. 2281 of 2019 as well as another co-accused person namely Mahendra Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 01.03.2019 in Cr. Misc. No. 12694 of 2019 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.11.2019.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries six more cases 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 Court below where the case is pending in connection with Matihani P.S. Case No. 144 of 2018, with 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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