

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11387 of 2023

Arising Out of PS. Case No.-540 Year-2022 Thana- BUDDHACOLONY District- Patna

Vishal Kumar Son of Late Shiv Kumar Singh, R/o Mohalla- Satyandra Nagar
Block Colony, P.S.- Aurangabad, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Budha Colony P.S. Case No. 540 of 2022 registered for the offences punishable under Sections 25 (1-b)a/26 of the Arms Act.

The police on a secret information conducted raid in the house of the petitioner and a loaded pistol with six live cartridges in a magazine as well as one empty magazine were recovered.

Learned counsel appearing on behalf of the petitioner submits that the alleged recovered pistol is a licensee one, existing in the name of the father of the petitioner, namely, Shiv Kumar Singh. Further submission has been made that the recovery has been made from the joint family house where



several persons reside and the petitioner cannot be made responsible for the same. He next submitted that now the petitioner is in custody for over a period of six months and moreover the charge-sheet has already been submitted and, as such, 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 fact that the alleged recovery has been made from a joint family house, where several persons reside and the submission has been made that the alleged recovered pistol is under a licence, in the name of the father of the petitioner, 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, Patna in connection with Budha Colony P.S. Case No. 540 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. (v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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