

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15034 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- SARE District- Nalanda

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BIPIN KUMAR Son of Brij Kishore Prasad R/v- Badepur, P.S.- Sare,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan Sr. Adv. with
Mr.Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-05-2023 Heard learned senior counsel for the petitioner and

the learned APP for the State.

The petitioner is apprehending his arrest in connection
with Sare P.S. Case No. 209 of 2022 registered for the offence
punishable under Sections 25(1-b)a and 26 of the Arms Act.

The petitioner and one co-accused, namely,
Ramashray Paswan was stated to be accused of Giridih P.S Case
No. 249 of 2016 and as per FIR, the police from Giridih had
come searching. During raid, Ramashray Paswan has been
apprehended. The petitioner, however, has allegedly fled away
when the police arrived at his house from where there is alleged
recovery of one country made pistol.

The learned Senior counsel appearing on behalf of



the petitioner submits that petitioner is on bail in Giridih P.S Case No. 249 of 2016 since before. It is further submitted that from the search seizure memo, copy of which is at page 15, it is obvious that there is no signature of any family member in the same so as to substantiate the allegation of recovery of a country made pistol from the petitioner's house, which recovery, even as per prosecution case, was not in his presence. Under such circumstances, the petitioner who is suffering kidney ailment, duly supported by supplementary affidavit, is apprehending his arrest. The petitioner undertakes to ensure day-to-day presence in the trial without fail.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, manner of implication as also taking into account the medical condition of the petitioner, who is suffering kidney ailment, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-VI, Nalanda at Bihar Sharif in connection with Sare P.S. Case No. 209 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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