

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26293 of 2022

Arising Out of PS. Case No.-409 Year-2021 Thana- ISLAMPUR District- Nalanda

AJAY KUMAR, SON OF LATE RAMESHWAR YADAV, R/O VILLAGE-
MUSAHAHARI, P.S.- ISLAMPUR, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Islampur P.S.
Case No. 409 of 2021 registered for the offence punishable under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

Preparing to commit some crime, it is alleged that some
persons had assembled with arms. Upon receiving intimation in this
regard, the ASI of Islampur Police Station has proceeded to the place,
from where the petitioner has been apprehended with one country
made pistol, three live cartridges and five misfired cartridges.

Learned counsel for the petitioner submits that it is a case
of false implication. Though the FIR alleges assembly of persons,
only the petitioner was not arrested from the place of alleged
recovery. He denies and disputed the recovery as being not in
accordance with law and is in custody since 11.08.2021. The
petitioner is stated to be on bail in the five cases pending against him



since before.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 Additional Chief Judicial Magistrate, Hilsa (Nalanda), in connection with Islampur P.S. Case No. 409 of 2021, subject to the 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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