

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35326 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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GAURAV KUMAR son of Ravindra Choudhary @ Rabindra Choudhary
Village- Bharatkhand Ps- Parvata, Parbata Bharatkhand OP Dist-Khagaria
Presently at-Nanihal Village- Bhawanandpur ward no-1,Ps-Ballia Dist-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Begusarai
Muffasil P.S. Case No. 63 of 2023 registered for the offences
punishable under Sections 25(1-B)A, 26 and 35 of the Arms
Act.

As per prosecution case, there is alleged recovery of
one loaded Katta and one mobile from the possession of the
petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 10.02.2023. Petitioner bears no
criminal antecedent. Charge sheet has already been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. Seizure list has not been made as per law. There is no independent witness of the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil P.S. Case No. 63 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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