

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38886 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- DUMRAO District- Buxar

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Guddu Kumar S/O Late Krishna Prasad @ Krishna Kumar R/O Village-
Dharmashala Dumraon, P.S- Dumraon, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Pandey

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-07-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Dumraon P.S. Case No. 97 of 2023, registered for the

offences punishable under Sections 25 (1B)a, 26 and 27 of

the Arms Act.

The prosecution case as emerging from the FIR is

that on 28.02.2023 at about 10:00 P.M. police got secret

information that one unknown miscreant was making

indiscriminate firing near Langtu Mahadev Mandir at

Dumraon. Later, when police party reached there caught the

petitioner and on search a country made pistol was



recovered from him.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that search and seizure has not been made as per the procedure as prescribed under Cr. P.C. He also submits nothing has been recovered from the conscious possession of the petitioner.

He further submits that the petitioner has been languishing in jail since 01.03.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. concerned Trial Court in connection with Dumraon P.S. Case No. 97 of 2023, **after framing of charge**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that



the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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