

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37748 of 2022

Arising Out of PS. Case No.-289 Year-2021 Thana- BARAUNI District- Begusarai

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SAURAV KUMAR SON OF MUKESH SINGH R/O VILLAGE- BIHAT,
WARD NO.- 19, P.S.- BARAUNI IN THE DISTRICT OF BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Barauni P.S. Case No. 289 of 2021 registered for the offences
punishable under Sections 414 I.P.C. and Section 25(1-b)a,
26(i), 35 of the Arms Act.

As per prosecution case, there is alleged recovery
of one loaded pistol from the waist of the petitioner and after
unloading the same eight live cartridges have also recovered . It
is further alleged that from the left pocket of his full-pant one
empty magazine of pistol has been recovered.

Learned counsel for the petitioner submits that



petitioner is in custody since 17.07.2021. Petitioner bears six criminal antecedents in which petitioner is on bail in five cases. 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 petitioner has not committed any offence of similar nature prior to present case. Nothing has been recovered from the possession of the petitioner. There is no independent witness to the present case rather the witnesses are the constables and members of raiding team. There is complete violation of Section 100 of the Cr.P.C. Seizure list also bears the Police Station case number which indicates that the seizure list has not been prepared on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view numbers of criminal antecedent.

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, 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 after framing of charge on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai in connection with Barauni P.S. Case No. 289 of 2021, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.



(vi) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(vii) If petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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