

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41750 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- ARWAL District- Jehanabad

Subham Prakash @ Virat @ Subham Kumar @ Birat Son Of Dhananjay
Kumar Resident Of Sakin-9 No Pool, P.S.-Arwal, District-Arwal
... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arvind Prasad Singh, Advocate
For the Opposite Party : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Arwal P.S. Case No. 23 of 2023 dated 14.01.2023 instituted
for the offences punishable under Sections 25(1-b)a 26/35 of
the Arms Act.

3. As per the case of prosecution, two country-made
pistols, one country-made revolver and fourteen live
cartridges were recovered from the house of one Chhote
Narain Gupta.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has falsely been implicated in
this case. It is submitted that nothing has been recovered



either from the house or from the physical possession of the petitioner. Lastly, it has been submitted that the petitioner is in custody since 14.01.2023 has one criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Arwal in Arwal P.S. Case No. 23 of 2023 subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.



iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. 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.

(Khatim Reza, J)

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