

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40861 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- BEERPUR District- Begusarai

GAUTAM KUMAR @ VIKASH KUMAR @ VIKASH KUMAR SINGH @
VIKASH SINGH S/O AJAY KUMAR SINGH @ AJAY SINGH R/O
VILLAGE- BIRPUR, PS. BIRPUR IN THE DIST. OF BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Opposite Party/s : Mr.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Birpur
P.S. Case No. 38 of 2023 registered for the offence under
Sections 25(1-b)a and 26 Arms Act.

The petitioner is apprehended having unlawful
possession of one country made pistol according to the F.I.R.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that it appears
from the F.I.R. and the seizure list that one country made
pistol has been recovered from the conscious possession of
the petitioner. He further contends that, in fact, nothing



incriminating has been recovered from the conscious possession of the petitioner rather the recovery has been planted with ulterior motive. He further submits that Section 100 of the Cr.P.C. has not been complied by the prosecution while preparing the seizure list. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner on 15.05.2023. The petitioner is rotting in judicial custody since 19.03.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one but he fairly submits on the basis of paragraph-3 of the petition that the petitioner has been allowed bail in five cases out of six pending cases.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st Class -cum- Additional Munsif, Begusarai in connection with Birpur P.S. Case No. 38 of 2023 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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