

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42041 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- NALANDA District- Nalanda

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DABLOO KUMAR son of Sumindra Gop @ Surendra Gop R/o- Mohanpur
Ps- Nalanda Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek

For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Nalanda P.S. Case No. 28 of 2023 registered for the offences
punishable under Sections 25(1-b) a, 26, 35 of the Arms Act.

3. As per prosecution case, one country made pistol
was recovered upon the disclosure of the petitioner near the
bush situated beside the pond of Gulha Bigha Masani.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as
alleged against him in F.I.R.. He further submits that the
allegation of recovery of pistol upon the disclosure of the
petitioner is false and baseless. He further submits that
petitioner is in custody since 25.01.2023 and bears criminal



antecedent of ten cases in which the petitioner is acquitted in seven cases and the he is on bail in two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from the possession of the petitioner. He further submits that from the perusal of seizure list, it appears that Section 100 of Cr.P.C. has not been followed.

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

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 court of J.M. 8th, Nalanda in connection with Nalanda P.S. Case No. 28 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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