

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 56476 of 2022**

Arising Out of PS. Case No.-423 Year-2022 Thana- GAYA MUFASIL District- Gaya

SHYAMSUNDAR KUMAR, S/o Sri RAMCHANDRA SAO Resident of
Village- Bhusunda Beldari Tola, P.S.- Mufassil, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar.

The petitioner seeks bail in Mufassil Police Station
(for brevity, **PS**) Case No 423 of 2022 dated 25.06.2022
registered for the offence punishable under Sections 25 (1-b) a,
26, 35 of Arms Act.

From the sand laden tractor, seized and parked in the
PS, it is alleged that the petitioner has taken away the pistol
which was concealed in the sand. His implication is sought to
be based on alleged closed-circuit television footage which
reveals that he was taking out the pistol from the sand.

Learned counsel for the petitioner submits that



recovery is not from the petitioner. The same has falsely been shown to have been recovered from the petitioner. On statement of co-accused Pintu Kumar, he has been made an accused in this case. The petitioner has no antecedent and is in custody since 26.06.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in Mufassil PS Case No 423 of 2022 dated 25.06.2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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