

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57618 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- KUMAR KHAND District- Madhepura

Gaurav Kumar @ Biru, Son of Salen Yadav Resident of Village - Gudhiya
Ward No.- 3, P.S.- Kumarkhand, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Kumarkhand P.S. Case No. 47 of 2022 registered for the alleged offences under Sections 25(1-B)a, 26 and 35 of the Arms Act.

As per prosecution case, petitioner was apprehended with a country made pistol and magazine loaded with one live-cartridge along with co-accused from whose possession one live-cartridge was recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing incriminating has been recovered from the person or possession of this petitioner. He has been apprehended and seizure has been



shown without following the provisions of Section 100 of the Code of Criminal Procedure. Learned counsel further submits that petitioner has been falsely implicated in this case due to political rivalry. Petitioner is accused in 3 other cases, but he is on bail in each cases. Charge sheet has been submitted in this case and the petitioner is in custody since 03.02.2022.

Learned A.P.P. for the State vehemently opposes the submission made on behalf of the petitioner. Learned A.P.P. further submits that petitioner is having criminal antecedent of serious cases and is accused in a bank robbery case as well.

Having regard to the aforesaid facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madehpura in connection with Kumarkhand P.S. Case No. 47 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Daya/-

U		T	
---	--	---	--

