

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67654 of 2022**

Arising Out of PS. Case No.-87 Year-2022 Thana- MEHANDIGANJ District- Patna

Banti Kumar, Son of Late Pramod Kumar, Resident of Ranipur, Rasulpur, P.S-
Mehandiganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Akhauri Kamal Kishore Sahay, learned
counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Mehandiganj P.S. Case No. 87 of 2022
registered for the offences punishable under Sections 25(1-b)a,
26, 35 and 27 of the Arms Act.

Allegedly two miscreants opened fire on the door of
Painter Gope, who were apprehended by the local people and on
search four live cartridges were recovered from the possession
of the petitioner.



Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it would be evident that the petitioner was apprehended by the local people and thereafter handed over to the police with an allegation that four live cartridges have been recovered from his possession, though the fact is different as only because of past criminal antecedent he has been implicated in this case. He next submits that, for the sake of argument, even assuming the allegation to be true, an offence under Section 37 of the Arms Act is made out, which is bailable. So far the other cases are concerned, the petitioner is on bail in all the cases, as has been mentioned in para. 3 of the petition. He lastly submits that now the petitioner is in custody for over a period of eight months and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is a habitual offender and his involvement is found in five other cases, besides the present one.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was apprehended by the local people and thereafter he was handed over to the police, coupled with the period of custody, let the



petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna City, Patna in connection with Mehandiganj P.S. Case No. 87 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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