

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.975 of 2023

Arising Out of PS. Case No.-25 Year-2022 Thana- ALAMNAGAR District- Madhepura

VARUN KUMAR Son of Late Bibhisan Singh R/v- Fulo Basa, Ward No. 13,
P.S.- Puraini, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Vishoka Nand, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Alamnagar P.S. Case No.25 of 2022 instituted under Section 25(1-B) a, 26/35 of the Arms Act lodged on 30.01.2022 by the informant Uday Kumar.

As per the FIR, the informant along with police party was on evening patrolling, one criminal namely Siyaram Mehta, who is wanted accused of Udakishunganj P.S. Case No. 19/22, is hiding in his house. When the informant raided the house of Siyarama Mehta situated at village- Bharatpur Baswa. P.S. Alamnagar Sensing the police the accused Siyaram Mehta succeeded in fleeing in dark but two persons who also tried to flee but they were apprehended by the police party. They told their names as Mantu Singh and Varun Kumar. When they were



duly searched in presence of two independent witnesses, one live cartridge was recovered from Mantu Singh while a loaded country-made pistol was recovered from the waist of Varun Kumar. No document was produced by them regarding possession of fire-arm and the cartridge. The recovered firearm and the cartridge were then seized and a seizure-list was duly prepared and the present case was registered under the relevant provisions of Arms Act. Accordingly, the FIR.

Learned counsel for the petitioner submits that there is recovery of a countrymade pistol and live cartridge for which he has already suffered by being in custody since 31.01.2022 (as stated in para-8 of the petition) simply because he has criminal antecedent, is being implicated every now and then.

Learned APP opposes the prayer.

Considering the recovery as alleged in the FIR as also his period of custody (31.01.2022) from the FIR, ultimately he will have to face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Alamnagar P.S. Case No.25 of 2022 to the satisfaction of learned Judicial



Magistrate, Ist Class, Udakishunganj, Madhepura, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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