

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3633 of 2023**

Arising Out of PS. Case No.-89 Year-2022 Thana- BAGENGOLA District- Buxar

Gouri Shankar Ram Son of Hareram Ram Resident of Village- Majhariya,  
P.S.- Buxar (Industrial), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      25-04-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail, who is in custody since 27.08.2022, in connection with Bagengola P.S. Case No. 89 of 2022, F.I.R. dated 26.08.2022 registered for the offences punishable under Sections 399, 400, 401, 402 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

The case relates to recovery of one country made pistol, and one live cartridge from the possession of co-accused Bittu Paswan and one country made pistol, two live cartridges from the possession of co-accused Harichandra Kumar.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R.



as well as seizure list that nothing incriminating articles has been recovered from the possession of the petitioner and there is non compliance of Section 100 of the Cr. P.C. rather recovery has been made from the other co-accused persons namely Bittu Paswan and Harichandra Kumar and they have been granted bail by a Coordinate Bench of this court vide order dated 27.02.2023 passed in Cr. Misc. No. 67612 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Buxar in connection with Bagengola P.S. Case No. 89 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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