

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2235 of 2023

Arising Out of PS. Case No.-353 Year-2022 Thana- SONEPUR District- Saran

=====

Kunal Kumar @ Kunal Ray, S/O Vishwanath Ray @ Bishawanath Ray
Resident of village- Nakata Diyara, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Ravish Mishra, learned counsel appearing

on behalf of the petitioner and Mr. Uma Shankar Prasad Singh,

learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in
connection with Sonapur P.S. Case No. 353 of 2022, registered
for the offences punishable under Sections 25(1-B)(a)/26(ii) of
the Arms Act.

The police, on a confidential information,
apprehended the petitioner on 26.05.2022 and during search,
one country-made pistol, one live cartridge and one mobile
phone have been recovered from his possession.

Submission has been made on behalf of the petitioner
that admittedly the petitioner was apprehended on 26.05.2022



along with arms, but surprisingly he has been remanded in the present case on 18.06.2022 which shows the false implication of the petitioner. He further submits that there is complete defiance of the provision of Section 100(6) of the Cr.P.C., apart from other irregularities. He next submits that the implication of the petitioner in the present case is on account of his past criminal antecedent as the petitioner is named in 6 other criminal cases. He lastly submits that the petitioner is in custody since 18.06.2022.

On the other hand, learned APP for the State opposed the bail application and submits that the recovery of arms, cartridge and mobile phone have been made from the conscious possession of the petitioner and he appears to be a habitual offender.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that despite the petitioner was apprehended with arms, he has been remanded after 22 days, let the petitioner, abovenamed, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P.S. Case No. 353 of 2022, subject to the



condition that one of the bailors will be the close relative 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)

Anjani/-

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

