

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4409 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- SHAMBHUGANJ District- Banka

Ajit Ram Son of Kailash Ram R/o vill - Arajī Karshap, P.S. - Shambhuganj,
Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioner is in custody in connection with Shambhuganj P.S. Case No. 268 of 2023 for the offence punishable under sections 25(1-B)A/26/35 of Arms Act lodged on 28.09.2023 by the informant, Gulshan Kumar.

3. As per the prosecution story, upon secret information, the petitioner and Vishwajit Kumar were apprehended and from the petitioner, a country made revolver and two live cartridges were recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the police have implicated him by attributing this arms theory for which he has already suffered by being in custody since 29.09.2023 (as stated in paragraph 9 of the petition) and do not



have criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also that he is in custody since 29.09.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Banka, in connection with Shambhuganj P.S. Case No. 268 of 2023 subject to the 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 six months to mark his 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 his bail bonds.

8. With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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