

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11104 of 2024

Arising Out of PS. Case No.-82 Year-2023 Thana- BIBHUTIPUR District- Samastipur

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Kailash Singh S/O LATE JAGESHWAR SINGH VILLAGE- SINGHIYA
BUZURG, TOLA SHIVNATHPUR, PS. BIBHUTIPUR, DIST.
SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
: Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s : Mrs. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bibhutipur P.S. Case No. 82 of 2023 lodged under Sections
120B of the I.P.C. read with sections 25(1-b)a/ 26 and 35 of the
Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against four named and 2-3 unknown accused persons
against whom there is allegation that one bag in which one desi
pistol and two live cartridges have been recovered from the
house of one Lalbabu Prasad.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits



that the alleged recovery has not been made from petitioner's possession rather it has been made from possession of others, therefore in the present case, no offence under Arms Act has been made out against the petitioner.

5. Counsel further submits that petitioner's name has come in this case at the instance of police, only due to the reason that there are 7 criminal cases pending against him in which he is on bail in 5 cases, in one case, he is in acquittal and one case, he is persuading for bail. He submits that petitioner is in custody since 25.04.2023 and charge-sheet has already been filed in this case.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 82 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

i. Bibhutipur P.S. Case No. 232 of 2005.

ii. Bibhutipur P.S. Case No. 130 of 1998.



- iii. Bibhutipur P.S. Case No. 158 of 1999.
- iv. Bibhutipur P.S. Case no. 161 of 2007
- v. Bibhutipur P.S. Case No. 69 of 2023.

(Dr. Anshuman, J.)

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