

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20711 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Guddu Kushwaha @ Harendra Prasad Kushwaha son of Swaminath
Kushwaha @ Swaminath Prasad Resident of Village- Baliwan Sagar, Ps-
Vishambharpur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Ranjeet Kumar Pandey, learned counsel
for the petitioner and Mr. Uday Chand Prasad, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Vishambharpur P.S. Case No. 75 of 2023, F.I.R. dated 11.05.2023 for the offences punishable under Section 290 of the Indian Penal Code and Section 25(1-B)a, 26(1), 25(i) of the Arms Act.

3. One rifle was recovered from the house of the co-accused, Noorshed Alam.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of confessional



statement of the co-accused, namely, Noorshed Alam. He further submits that it appears from the F.I.R as well as seizure list that so called arms has been recovered from the house of the co-accused, namely, Noorshed Alam and the report of the Sergeant Major reveals that the arms in question is air gun which does not come under the Arms Act.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that no case under the Arms Act has been made out against the petitioner and except the confessional statement, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the arms in question is air gun which is not prohibited under the Arms Act, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-X, Gopalganj in connection with Vishambharpur P.S. Case No. 75 of 2023, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, 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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