

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20355 of 2024

Arising Out of PS. Case No.-430 Year-2023 Thana- KOTWA District- East Champaran

Bhushan Kumar Son of Baban Rai @ Baban Ray Resident of vill.-
Bishrampur Dubauli, P.S.-Dumariyaghat, Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the State : Mr. Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kotwa
P.S. Case No. 430 of 2023 instituted for the offence under
Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. As per the prosecution case, there is recovery of
one country made pistol and one live cartridge from the
possession of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 07-12-2023. Petitioner
bears three criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Petitioner has no concern with the alleged recovered arms. Nothing has been recovered from the conscious possession of the petitioner. Charge sheet has already been submitted in this case. It is lastly submitted that there is no compliance of Section 100 of the Cr.P.C.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwa P.S. Case No. 430 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to



cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj kishore/-

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