

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45971 of 2024

Arising Out of PS. Case No.-248 Year-2021 Thana- NAGAR District- Vaishali

Shiv Kumar @ Golu @ Gold Flake Son of Dinesh Rajak R/O Mohalla-
Hakhash, P.S.- Town, Dist.- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmod Ban Bihari Singh, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Hajipur Town P.S. Case
No. 248 of 2021, instituted for the offences punishable under
Section 25(1-B)(a) and 26 of the Arms Act.

3. The prosecution case, in short, is that, there is
recovery of one country loaded country made pistol along with a
live cartridge from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner further submits that the petitioner has got no
concern with the alleged recovery of arms. Cognizance has been
taken in this case by the Court below. The petitioner is in



custody since 22.03.2021 and has got seven criminal antecedents in which he is on bail in six cases. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Hajipur Town P.S. Case No. 248 of 2021, 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)

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