

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47053 of 2024

Arising Out of PS. Case No.-456 Year-2023 Thana- HARNAUT District- Nalanda

Amit Kumar @ Bittu Kumar @ Bittu S/O Sunil Kumar R/O Village-
Lashgarichak, P.S- Fatuhan, Distt.- Patna, At Present- Adarsh Nagar, P.O And
P.S- Harnaut, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate
		Mr. Utkarsh Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 Heard Mr. Satya Ranjan Sinha, learned counsel for

the petitioner, Mr. Sanjay Kumar, learned counsel appearing on

behalf of the informant as well as Mr. Aditya Narayan Singh. 1,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Harnaut P.S. Case No. 456 of 2023, F.I.R. dated
27.08.2023 for the offences punishable under Sections 25(1-B)a,
26 and 35 of the Arms Act.

3. Recovery is of double barrel gun, one country made
pistol, one country made double barrel pistol and some live as
well as empty cartridges.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that the informant has knowledge that the grand-father of the petitioner, namely, Rana Pratap Singh has kept a gun in the trunk of rice since 2017 and she did not inform the police about the said gun and it is an admitted fact that the petitioner is not living in the said house and he is living with the co-accused, Rana Pratap Singh who happens to be the maternal grandfather of the petitioner in Harnaut since 2017. He further submits that the co-accused, namely, Rana Pratap Singh who is grandfather of the petitioner has been granted anticipatory bail by this Court vide order dated 19.03.2024 passed in Cr. Misc. No. 85829 of 2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that in presence of the government officials, the recovery has been made and the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.



6. Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Harnaut P.S. Case No. 456 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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