

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47270 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- UPHARA District- Aurangabad

Kundan Kumar, S/o Mahanand Singh, R/o vill - Shankardih, P.S. - Uphara,
Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard learned Advocate appearing on behalf of the
petitioner and the learned Additional Public Prosecutor for the
State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Uphara P.S. Case No. 36
of 2024 registered for the offence punishable under Section
25(1-B)a/26 of the Arms Act.

3. The police on a confidential information raided the
house of the petitioner. However, noticing the police party, the
petitioner succeeded in fleeing away. On search, one country
made pistol and seven live cartridges were recovered beneath
the bed of the petitioner.

4. Learned Advocate appearing on behalf of the
petitioner contended that the alleged recovery has been made



from a joint family house where several persons reside. Drawing the attention of this Court to the seizure list it is next contended that had the recovery been made from the house of the petitioner, there would have certainly been signature of any of the member of the family. Neither the copy of the seizure list has been handed over to any of the family member of the petitioner, nor there is any signature. Thus, the *malafide* on the part of the police is writ large. It is next contended that the petitioner bears fair antecedent and now he has been incarcerated since 22.04.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint family house coupled with the infirmities in the search and seizure pointed out by the petitioner, as also the fair antecedent of the petitioner, let the petitioner, named above, 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 learned Chief Judicial Magistrate, Aurangabad in connection with Uphara P.S. Case No. 36 of 2024, subject to the condition that one of the



bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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