

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52826 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- Piplawa District- Patna

Deepak Kumar S/O Shree Das R/O Village- Piplawan, P.S- Piplawa (Pitwas),
Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Piplawa (Pitwas) P.S. Case No. 41 of 2024
registered for the offence punishable under Sections 25(1-b)a,
26/35 of the Arms Act.

3. The prosecution alleges that the police on an
information that two persons carrying a rifle near Jalpura
Musahari, raided the place of occurrence and apprehended them.
On search .315 bore rifle and one live cartridge were recovered
from the pocket of each of accused person.

4. Learned Advocate for the petitioner contended that
the narrations made in the FIR do not demonstrate as to from
whose possession the rifle was recovered. The FIR suggest the



recovery of .315 bore rifle, however, the seizure list belies the prosecution case whereas it shows recovery of only 8MM bore rifle. The seizure list also suggest that the recovery has been made from Jalpura, Musahari, chicken farm. The witnesses are none-else but the police personnels. It is next contended that the petitioner has absolutely clean antecedent and only because of the fact that the petitioners were present near the place of occurrence, their names have been implicated in this case. Now the petitioner is in custody since 25.03.2024 and the charge-sheet have been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the inconsistencies between the fardbeyan and the seizure list as well as the factum of fair antecedent and the period of custody, 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 Additional A.C.J.M. VI, Patna, Danapur in connection with Piplawa (Pitwas) P.S. Case No. 41 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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