

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53227 of 2024

Arising Out of PS. Case No.-156 Year-2024 Thana- SONBERSA District- Sitamarhi

Ram Prakash Kumar, S/O Rameshwar Prasad Yadav, R/O Village- Maliniya,
Ward No. 12, P.S- Majorganj, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard Mr. Ritesh Singh, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sonbarsa P.S. Case No. 156 of 2024
registered for the offences punishable under Sections 25(1-b) a,
26/35 of the Arms Act.

3. Based upon the written report, the prosecution
alleges that in course of patrolling, on a secret information, the
police raided the house of one Pintu Nayak. When the police
entered in the house, all the miscreants started fleeing away.
However, the petitioner along with two other persons were
apprehended at the place of occurrence and from the possession
of the petitioner one live cartridge was recovered. The police
also found that in the house, one person was kept confine after



tying his hands and legs.

4. Learned Advocate for the petitioner contended that save and except the recovery of a live cartridge, no other incriminating material has been recovered. It is also submitted that one Ramesh Damai, resident of Nepal was found in the house of Pintu Nayak, but in this regard no case of kidnapping has been instituted, rather the present F.I.R. has been instituted only under the provisions of the Arms Act. The petitioner has neither any concern with the recovered Ramesh Damai nor with the bullet motorcycles, which were parked on the main gate of the house. The petitioner is in custody since 12.05.2024, having fair antecedent.

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

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the F.I.R. has been instituted only under the Arms Act and there is recovery of only one live cartridge from the possession of the petitioner, coupled with the fair antecedent, 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,



Sitamarhi in connection with Sonbarsa P.S. Case No. 156 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.

(Harish Kumar, J)

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