

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57582 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- DEV District- Aurangabad

Ashok Kumar Singh, Son of Sri Akhileshwar Singh, R/v- Dattubigha, P.S.-
Deo, Distt.- Aurangabad, permanent resident of village- Chiraila, P.S.- Barun,
Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Mr. Vijay Kumar Sinha, learned Advocate for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Deo P.S. Case No. 120 of 2024 registered for
the offences punishable under Sections 25(1-b)a, 26 of the Arms
Act.

3. Based upon the written report, the prosecution
alleges that the informant on an information that the petitioner
was carrying country made pistol in his hand, raided the house
of the petitioner. Search was conducted in the house of the
petitioner, however, nothing incriminating has been recovered.
Subsequent thereto, the police recovered a country made pistol
along with two cartridges from the dicky of the motorcycle,
bearing registration no. BR26V-2848.



4. Learned Advocate for the petitioner contended that false implication of the petitioner is writ large for the simple reason that the alleged recovery has been made from the dickey of the motorcycle of the petitioner, however, neither the copy of the seizure list has been handed over to the petitioner nor any family members has been made the witness to the seizure list. The witnesses to the search and seizure is non-else, but the police personnel, which also smacks malafide. He next contended that after keeping the arms in dickey, the police were called by the neighbours with whom the petitioner and his family members have long standing enmity. In support of the aforesaid contention, the copy of the F.I.R. as well as plaint of T.S. No. 2 of 2021 have been brought on record by way of Annexures- 4 and 5 to this application. It is next contended that the petitioner is a man of fair antecedent and now he is in custody since 24.05.2024.

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 recovery has been made from the dickey of the motorcycle, coupled with the fair antecedent of the petitioner and the fact that the crime,



in question, is triable by a Magistrate, 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 Chief Judicial Magistrate-IV, Aurangabad in connection with Deo P.S. Case No. 120 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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