

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56880 of 2024**

Arising Out of PS. Case No.-284 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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Deepak Upadhyay Son of Late Shiv Shankar Upadhyay R/V- VILLAGE-
SAHEBCHAK, P.S.- MIRGANJ, DISTT.- GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Gopalganj P.S. Case No. 284 of 2024 for the offence punishable under Sections 25(1-b) a, 25(1)(A), 25(1) AA, 25(6), 25(7), 26 and 35 of the Arms Act lodged on 12.04.2024 by the informant, Om Prakash Chauhan.

3. As per the prosecution story, the informant alleged that upon information that this petitioner is standing with fire arm in front of his house, the police reached the place. Though the accused tried to escape, they were apprehended, so far as this petitioner is concerned, there is recovery of country made pistol and five live cartridges as also a mobile is recovered/seized.



4. Learned counsel for the petitioner submits that only because of criminal antecedent he has been once implicated.

5. Learned APP drawn the attention of this Court that he has already 6 criminal cases of the same nature against him.

6. The allegation is there, the petitioner is also having criminal antecedent, he is in custody since 12.04.2024 (para 12 of the petition) it will be appropriate that he is granted relief only after the charges are framed in the matter.

6. Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, VII, Gopalganj in connection with Gopalganj P.S. Case No. 284 of 2024 subject to the following conditions:-

(i). One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates, without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ankit Kumar/-

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