

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56795 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- Banma Itahari District- Saharsa

Dilkhush Kumar @ Dil Khush Kumar @ Dilkhush S/O Dinesh Singh R/O
Village- Maharsa, P.S- Banma Itahari, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Mr. Shashank Shekhar, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

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

3. The police on a tip-off regarding assemblage of
miscreants, raided the place of occurrence and apprehended the
petitioner. On search, one loaded country made pistol was
recovered from his possession.

4. There is total denial of allegation levelled against
the petitioner in the FIR.

5. It is contended on behalf of the petitioner that, in



fact, when the police conducted raid, the petitioner was found near the place of occurrence and on suspicion he was apprehended showing recovery from his possession. It is further contended that the seizure list witnesses are none else but the police personnel, which also smacks *mala fide*. It is next contended that the petitioner aged about 19 years is a student and has just completed his intermediate. He bears fair antecedent. It is lastly contended that be that as it may, the crime in question is triable by the Magistrate and now the charge-sheet has also been submitted.

6. On the other hand, learned counsel for the State opposed the bail application.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a student having tender age, coupled with the factum of completion of investigation and the fair antecedent, apart from the fact that the crime in question is triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Banma Itahari P.S. Case No. 25 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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