

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56804 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- LAHERIMUHALLA District- Nalanda

Shubham Kumar @ Shubham @ Raj Shubham Kumar Son of Late Prabhat Prasad Resident of Mohalla- Mathuriya Biharsharif, P.S.- Laheri, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar, Advocate
For the State : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-12-2024 2. The petitioner is apprehending his arrest in connection with Laheri P.S. Case No. 157 of 2024 for the offence under Sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 07.04.2024 by the informant, Lalan Kumar Jha.

3. As per the prosecution story, the informant alleged that the police during checking, intercepted a motorcycle and arrested one Aman Kumar and upon search, a country made pistol with two live cartridges recovered/seized. He disclosed that his uncle sent him to Shubham Kumar (petitioner herein) to bring this weapon/cartridges. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from Aman Kumar, only to save his skin, he named his uncle and this petitioner. Further,



submission is that he do not have criminal antecedent and the last submission is that one of the co-accused has been granted bail by this Court in Cr. Misc. No.51504 of 2024 (Gulshan Kumar vs. The State of Bihar).

5. Learned APP opposes the prayer submitting that the arrested person has named him.

6. Taking into account the aforesaid facts as also that allegedly the recovery/seizure is from Aman Kumar, on his confession he has been named and the petitioner do not have criminal antecedent and one of the co-accused has been granted bail, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda, in connection with Laheri P.S. Case No. 157 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her 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 fortnight for next six months 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)

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