

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62190 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- LAKHAURA District- East Champaran

Bhaddu Kumar Son of Rakatu Sahani R/O Vill.- Lakhaura, Purbari Tola, P.S.-
Lakhaura, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar
		Mr. Lal Babu
For the Opposite Party/s :		Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard Mr. Anil Kumar, learned Advocate for the
petitioner and learned Mr. Madan Kumar, Additional Public
Prosecutor for the State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Lakhaura P.S.
Case No. 22 of 2024, registered for the offences punishable
under Sections 25(1-B)(a)/26 of the Arms Act.

3. Allegedly, in course of night patrolling, when the
police intercepted the petitioner, who was coming on a
motorcycle, tried to flee away by leaving the motorcycle.
However, the police apprehended the petitioner and on search
four live cartridges have been recovered from his pocket. On the
disclosure made by the petitioner, a countrymade pistol was



found beneath the seat of the motorcycle.

4. Learned Advocate for the petitioner contended that the petitioner has neither any concern with the arms nor with the motorcycle, however, only on account of his past criminal antecedent of identical nature, particulars of which have been mentioned in paragraph-3, his name has been implicated in this case. It is next contended that be that as it may, the crime in question is triable by the Magistrate and now the petitioner has been incarcerated since 06.04.2024. Drawing the attention of this Court to the seizure list, he further contended that the witnesses are none-else but the police personnel and thus it also smacks *mala fide* on the part of the police officials.

5. On the other hand, learned APP for the State opposed the bail application and submitted that apart from the long list of criminal antecedent, the petitioner was apprehended along with the live cartridges and later on on the disclosure made by the petitioner, the pistol was recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate; now he has been incarcerated since 06.04.2024; the petitioner has no concern with the motorcycle from where recovery has been made, let



the petitioner, abovenamed, 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, Motihari, East Champaran in connection with Lakhaura P.S. Case No. 22 of 2024, subject to the condition that one of the bailors shall be the own/close family members 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)

Anjani/-

U		T	
---	--	---	--

