

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60128 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- RAXAUL District- East Champaran

Shivam Kumar, Son of Omprakash Prasad, R/o Village- Pantoka, P.S.-
Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard Mr. Dhurendra Kumar, learned counsel for the

petitioner and Mr. Ram Naresh Ray, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Raxaul P.S. Case No. 100 of 2024 registered
for the offences punishable under Sections 25(1-b)a, 26 and 35
of the Arms Act.

3. The police in course of patrolling, on suspicion,
apprehended two persons. On search, from the possession of the
petitioner, one loaded country made pistol along with two live
cartridges were recovered.

4. Learned counsel for the petitioner drawing the
attention of this Court to the seizure list submitted that the
seizure list is not admissible in evidence for the simple reason



that though it narrates that the recovery has been made from the possession of the petitioner but surprisingly, neither the copy of the seizure list has been handed over to the petitioner nor there is signature or thumb impression of the petitioner, suggesting that he is aware of the seizure. It is further contended that the petitioner bears fair antecedent and now he has been incarcerated since 23.03.2024. Moreover, the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner was apprehended with the arms and ammunition.

6. Regard being had to the submissions made on behalf of the parties and considering the infirmities in the search and seizure, coupled with the fact that the crime in question is triable by the Magistrate, apart from the period of custody, 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 S.D.J.M., Raxaul, at Motihari in connection with Raxaul P.S. Case No. 100 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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