

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61907 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- PAROO District- Muzaffarpur

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Bittu Kumar S/o Balendra Kunwar @ Balendra Kuwar @ Balender Kumar
R/o Village- Gyaspur @ Ghayaspur, PS- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Paroo P.S. Case No. 34 of 2024, registered
for the offence punishable under Sections 25(1-B)(a) and 26 of
the Arms Act.

3. The prosecution reveals that the petitioner was
caught by the villagers and handed over to the police officers.
On search, one country made pistol was recovered from the
possession of the petitioner.

4. Learned Advocate for the petitioner adverting to the
FIR contended that since the petitioner was caught by the
villagers and he has handed over to the police along with arms
and, as such, no case much less under Section 25(1-B)(a) and 26
of the Arms Act would be applicable. It is further contended that



in fact with regard to an occurrence, on the same day, the petitioner has been made accused in connection with Paroo P.S. Case No. 33 of 2024 for the offence punishable under Sections 302/120(B) and other allied sections of the Indian Penal Code as well as the penal provisions of the Arms Act, but only in order to put the petitioner on harassment, the present case has been instituted separately. Be that as it may, now the petitioner is in custody since 31.01.2024 and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is also an accused of a case under Section 302/120(B), the particulars of which is duly mentioned in paragraph no. 3 of the bail application.

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 and now the petitioner has been incarcerated since 31.01.2024 in connection with the present case, let the petitioner, named above, 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 Judicial Magistrate 1st Class, West, Court No. 2, Muzaffarpur in connection with Paroo P.S. Case No. 34 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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