

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62418 of 2024

Arising Out of PS. Case No.-514 Year-2024 Thana- GAYA MUFASIL District- Gaya

Kumar Pallav S/O Late Vijay Kumar R/V- Janakpur, P.S- Muffasil, Distt.-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

Mr.Rahul Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard Mr. Binod Kumar, learned Advocate for the
petitioner and learned 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 Mufassil P.S.
Case No. 514 of 2024, registered for the offences punishable
under Sections 25(1-B)(a), 26, 35 of the Arms Act.

3. The police, on a secret information that some
miscreants are moving on a Swift Desire Car with arms,
intercepted them, wherein it has been found that five youths
were sitting; one of which is said to be the petitioner. On search,
one countrymade pistol has been recovered from the said Car.

4. Learned Advocate for the petitioner by referring to



the FIR contended that the alleged recovery of pistol has been made from the seat cover of the Car. Moreover, during the course of search, nothing incriminating has been recovered from the possession or person of the petitioner. Only on account of past criminal antecedent of the petitioner in two criminal cases, his name has been implicated in this case. Now the petitioner has been incarcerated since 19.06.2024. The crime in question is triable by the Magistrate and the investigation of the crime is complete and the charge sheet has been submitted.

5. On the other hand, learned APP for the State opposed the bail application and submitted that the petitioner appears to be a habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a Car which does not belong to the petitioner, coupled with the fact that the crime in question is triable by the Magistrate and now the petitioner has been incarcerated since 19.06.2024, 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 Additional Sessions Judge XVI, Gaya in connection with Mufassil P.S. Case No. 514 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)

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