

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67172 of 2024

Arising Out of PS. Case No.-311 Year-2024 Thana- SAUR BAZAR District- Saharsa

Birendra Kumar S/o Khakhar Yadav @ Khakhad Yadav R/o Village- Pastpar
Ward No.10, P.S.- Saur Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kunwar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Saurbazar(Pastpar) P.S. Case No. 311 of 2024, registered for the offences under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, on a tip off about two persons riding motorcycle carrying illegal weapon, police reached the place and two persons started fleeing away on seeing the police party and they were apprehended after chase. Petitioner is one of the apprehended persons and from his possession, a country made pistol loaded with a live cartridge was recovered. From the co-accused person recovery of two live cartridges were made.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner has been falsely implicated in this case and nothing incriminating has been recovered from person or possession of this petitioner. Some altercation took place with the police personnel and petitioner was made to sit in the police vehicle and taken to the police station and the arrest has been shown. The petitioner has no concern with the seized motorcycle. Charge sheet has been submitted against the petitioner and petitioner is in custody since 09.05.2024. The petitioner has been made accused in three cases earlier and he is on bail in all the three cases.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the submission of charge sheet against the petitioner and the period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Saharsha/concerned court, in connection with Saurbazar(Pastpar) P.S. Case No. 311 of 2024, subject to the condition laid down under Section 437(3) of the code of



Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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