

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81185 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- PIPRAKOTHI District- East Champaran

Abhay Kumar @ Bittu S/O Kripa Shankar Prasad Yadav Resident of Village-
Naya Tola Harpur, Police Station-Pipra Kothi, District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate
For the State : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Pipra Kothi P.S. Case No. 159 of 2024 for the offences punishable under Sections 25(1-B)(a), 26 and 35 of the Arms Act, lodged on 26.07.2024 by the informant, Parmanand Mandal.

3. As per the prosecution story, that upon information that in an orchestra which has been organized in the school, young persons are flashing loaded pistol, the police reached and caught hold all the accused persons, the petitioner being one of them.

4. Learned counsel for the petitioner submits that no such incident took place, only because of his earlier criminal antecedent, implicated and is in custody since 26.07.2024 (paragraph no.4 of the petition). Further, without accepting



allegation and/or the outcome of the present petition, learned counsel for the petitioner submits he is ready to pay Rs.10,000/- to the Chief Minister's Relief Fund.

5. Learned APP for the State opposes the prayer submitting that he was flashing gun which can hit anyone as always comes in the newspaper.

6. It is unfortunate that in a public function people start flashing loaded pistol which ultimately result into killing of innocent people, however, in this case, though allegation is there, F.I.R. lodged and he will be facing the Trial, taking into account his custody period, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid to the Chief Minister's Relief Fund and the receipt has to be submitted before the Trial Court at the time of execution of bail bond.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipra Kothi P.S. Case No. 159 of 2024, subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

vinayak/-

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

