

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1242 of 2024

Arising Out of PS. Case No.-305 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Abhishek Kumar S/O Late Bhola Singh R/O Village- Dariyapur, P.S-
Mufassil, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Saurabh, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mufassil P.S. Case No. 305 of 2023, lodged on 28.08.2023
under Sections 25(1-b)a/26(i)(ii)/35 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against three named accused persons including the
present petitioner. The allegation against the petitioner is that
ten live cartridges have been recovered from his possession.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the antecedent of the petitioner is clean and he
is in custody since 29.08.2023. Counsel further submits that the
petitioner was going to meet with the doctor, but taken lift from



the other accused person who was going on the motorcycle and in the meantime, the police apprehended them and the petitioner was arrested. In support of his arguments, counsel for the petitioner has annexed Annexure-2 series which is the prescription of the doctor by which the petitioner submits that he was suffering from disease.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that recovery of ten live cartridges have been made from the possession of the petitioner.

6. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **three months after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-IIInd, Munger in connection with Mufassil P.S. Case No. 305 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:



(i) one of the bailor should be the family member 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 and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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