

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85829 of 2023

Arising Out of PS. Case No.-456 Year-2023 Thana- HARNAUT District- Nalanda

Rana Pratap Singh Son of Kedar Singh R/o vill - Cheran, P.S. - Harnaut, Distt.
- Nalanda, at present Adarsh Nagar, P.s. - Harnaut, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr.Satya Ranjan Sinha, learned counsel for
the petitioner, learned counsel for the informant and Mr.Upendra
Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Harnaut P.S.Case No.456 of 2023, FIR dated 27.08.2023 registered for the offences punishable under Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per FIR, two guns, one country made pistol, 16 live cartridges of 7.65mm, 23 live cartridges of 8mm, 09 live cartridges of 12 bore of 08 mm and 09 shells of cartridge of 8mm were recovered from the house of petitioner from trunk without any paper.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case.



Further submits that from a bare perusal of the FIR it appears that the informant has knowledge that the petitioner has kept the Gun in the Trunk of rice in the year 2017 but she did not inform the police and it is also admitted fact from the FIR that the petitioner is living with his grand son at Harnaut since 2017.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the house in question belonged to the petitioner and in presence of the Govt. Official, the recovery have been made and apart from that the petitioner carries three more cases other than the present one but fairly submits that out of three case, the petitioner has been acquitted in one case and rest two cases are pending for consideration, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda at Biharsharif in connection with Harnaut P.S.Case No.456 of



2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that 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/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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