

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8657 of 2025

Arising Out of PS. Case No.-298 Year-2021 Thana- GHOSI District- Jehanabad

Sarvesh Bind S/o Late Satendra Bind R/o vill - Kendua, Kenuapar, P.S -
Tharthari, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Ghosi
P. S. Case No. 298 of 2021, dated 02-07-2021, instituted for
offences punishable under Sections 25(1-b)A, 25(1-A), 35 and
36 of the Arms Act.

3. The prosecution case, in short, is that on
02.07.2021 at about 08:10 A.M., the informant received secret
information that illegal weapon manufacturing was going on in
the forest at village Sahbajpur. On the basis of the said
information, the informant, along with other police personnel,
reached the said place and conducted a raid. On seeing the
police force, three persons fled away. The informant identified
the accused persons who had escaped, including the petitioner.



The informant recovered various articles that were used for the preparation of firearms. Thereafter, the present case was registered.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that nothing incriminating has been recovered from the possession of the petitioner. The petitioner has been implicated merely on suspicion. He has been named as an accused only on the basis of the disclosure made by the local *chowkidar*. The seized articles were recovered near the bank of the Flagu river, and the petitioner was not apprehended at the spot. It is further submitted that the petitioner has been in judicial custody since 18.05.2024 and has two other criminal cases pending against him.

5. Learned Additional Public Prosecutor (APP) for the State has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J. M. Jehanabad, in



connection with Ghosi P. S. Case No. 298 of 2021, subject to the following condition: (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that 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 and (v) that the petitioner will appear before the SHO of concerned PS every fortnightly to mark his attendance till conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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