

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34739 of 2025

Arising Out of PS. Case No.-867 Year-2024 Thana- RUPASPUR District- Patna

Happy Kumar son of Vishwabandhu Kumar Singh village- Navneet colony,
Nitibagh, Rukanpura, Po- Rukanpura, Ps- Rupaspur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 17-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offences under Sections 191(2), 191(3), 190, 308(2), 111(3) of B.N.S. and Sections 25(1-b)a, 26, 35 of Arms Act.

3. As per the prosecution case, on secret information some persons were caught including the petitioner and on search, two country made pistol along with seven live cartridges were recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case and no such recovery as alleged has been made from his conscious possession. Learned counsel further submits that the mandatory provisions of law with regard to seizure has not been



followed. It is lastly submitted that the petitioner has clean antecedent and is in custody since 23.12.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rupaspur P.S. Case No. 867/2024 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two 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.
- d. 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 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 aforementioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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