

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54549 of 2025

Arising Out of PS. Case No.-16 Year-2024 Thana- Kanaria District- Saharsa

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Gautam Sada S/o Baua Sada @ Boaa Sada Resident of Village- Kathadumar
Arnama Tola, PS- Kanariya, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mrs. Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kanariya P.S. Case No. 16/2024 registered for the offences
punishable under Sections 25(1-B)a, 26/ 35 of the Arms Act.

3. As per prosecution case, there is alleged recovery
of one country made loaded Katta from the possession of the
petitioner and he apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to dirty village politics. The petitioner is languishing in
custody since 13.10.2024 and bears two criminal antecedents in
which he is on bail. He further submits that charge sheet has
been submitted in this case and there is no likelihood of



tampering with the prosecution evidence and charge has also been framed against the petitioner. He further submits that alleged recovery has been shown at the instance of enemy of the petitioner.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has two criminal antecedents of similar nature. Hence, the petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and charge has also been framed against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saharsa in connection with Kanariya P.S. Case No. 16/2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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