

(2021) 02 PAT CK 0079

Patna High Court

Case No: Criminal Miscellaneous No. 37584 Of 2020

Abhishek Kumar @ Bokuli

APPELLANT

Vs

State Of Bihar

RESPONDENT

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**Date of Decision:** Feb. 5, 2021**Acts Referred:**

- Arms Act, 1959 - Section 25(1A), 25(1AA), 25(1B)(a), 26(1)(2)(3), 35

**Hon'ble Judges:** Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Sanjiv Kumar Singh, Md. Arif**Final Decision:** Disposed Of

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### Judgement

1. Heard Mr. Sanjiv Kumar Singh, learned counsel for the petitioner and Mr. Md. Arif, learned In-charge Additional Public Prosecutor (hereinafter referred to as the "APP"™) for the State.
2. The petitioner is in custody in connection with Kasim Bazar PS Case No. 224 of 2020 dated 24.08.2020, instituted under Sections 25 (1-A)/ 25 (1-AA)/ 25 (1-B) (a)/26 (1) (2) (3) and 35 of the Arms Act, 1959.
3. The allegation against the petitioner is that from his possession two live cartridges were recovered.
4. Learned counsel for the petitioner submitted that the recovery is false as the same has been planted on him. It was submitted that the petitioner having no criminal antecedent is in custody since 24.08.2020.
5. Learned APP submitted that there is recovery of two live cartridges from the petitioner.

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. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief

Judicial Magistrate, Munger in Kasim Bazar PS Case No.224 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of

the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall

also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with

the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail

bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two

consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.