

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4271 of 2020

Arising Out of PS. Case No.-403 Year-2019 Thana- GANDHIMAIDAN District- Patna

Sanjay Kumar @ Dutta Aged about 20 years, Gender Male, Son of Late Bachan Prasad @ Late Lal Bachan Prasad Resident of- Sipahi Ghat, Near Registry Office Jhopparpati, P.S.- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 29-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Gandhi Maidan P.S. Case No. 403 of 2019 registered for the offence under Sections 380, 414 & 34 of the Indian Penal Code and Sections 25(1-B)A, 26 & 35 of the Arms Act.

The prosecution case, in brief, is that during patrolling, the police got secret information that some persons have assembled for buying and selling illegal weapons near Anta Ghat and thereafter, the police personnel reached there and all the four persons were apprehended, including the petitioner, and from their possession, three country-made pistols and two knives were recovered.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case and nothing has been recovered from the conscious possession of petitioner. It is further submitted that recovery of afore-stated illegal



weapons has been shown from co-accused Rajesh Kumar @ Mallu and petitioner has been made accused only on the basis of suspicion that he is also involved in the illegal trade of weapons without there being any material. The petitioner is in custody since 21-09-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged 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 Sub Judge – XIV cum ACJM, Patna in connection with Gandhi Maidan P.S. Case No. 403 of 2019 on the following conditions:

“(1) Petitioner shall cooperate 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 absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) 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.”

(Prabhat Kumar Singh, J.)

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