

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25470 of 2020**

Arising Out of PS. Case No.-27 Year-2020 Thana- KUMAR KHAND District- Madhepura

SONU KUMAR @ SUMAN KUMAR S/o Shyam Sundar Yadav Resident of
Village-Mirchaibari, Ward No.10, Police Station-Jankinagar, District-Purnea.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 09-11-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shyam Kumar Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Kumarkhand P.S. Case No. 27 of 2020 registered for the offences punishable under Section 25(1-B)a, 26 of the Arms Act.

Learned counsel for the petitioner submits that two live cartridges have been recovered from the possession of the petitioner, as alleged, however, the petitioner has been falsely implicated in this case. It is stated that police has planted two live cartridges allegedly recovered from the petitioner. The petitioner is a student of Intermediate and is not involved in any criminal activity. He is said to be in jail since 09.02.2020.

On the other hand, learned A.P.P. for the State has submitted that the petitioner has got two criminal antecedents (1) Jankinagar P.S. Case No. 10 of 2020 and (2) Jankinagar P.S.



Case No. 17 of 2020. it is not stated in paragraph '3' as to whether the petitioner is on bail in those cases.

Having regard to the facts and circumstances of the case as also on perusal of the records this court finds that the petitioner is in custody in connection with this case since 09.02.2020, the allegation is of recovery of two live cartridges, considering that the investigation in the matter is complete and there is no submission that his release in this case at this stage is likely to interfere with the course of trial or tampering with the evidence, this court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Kumarkhand P.S. Case No. 27 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Further condition that the petitioner shall be released in this case after obtaining an affidavit with regard to the two cases mentioned in paragraph '3' that either he is on bail in those cases or has either surrendered or produced in those two



cases.

And further condition that 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

