

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26799 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- KESARIA District- East Champaran

SANJEEV KUMAR @ MUNCHUN Son of Shyam Kishore Kumar Resident
of Village - Vishunpurdhir, P.S. - Kalyanpur, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Chandra Verma

For the Opposite Party : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 22-12-2020 Heard Mr. Umesh Chandra Verma, learned counsel

appearing on behalf of the petitioner and Mr. Nirmal Kumar

Sinha, learned Additional Public Prosecutor, for the State of

Bihar.

This application for grant of regular bail arises out of
Kesariya P.S. Case No.62 of 2020, registered for the offence
punishable under Sections 399, 402 and 414 of the Indian Penal
Code and Sections 25(1-b)1, 26(ii) and 35 of the Arms Act.

One revolver with seven cartridges were recovered
from the petitioner's possession during the course of a raid
conducted by the police. Two others were also apprehended,
from whose possession firearms were seized. The petitioner is in
custody since 22.02.2020 in the present case. It appears from the
statement made in paragraph 3 of the application that the



petitioner has following criminal antecedent :

“i) Kalyanpur P.S. Case No. 229 of 2019 u/s 379 of the IPC.

ii) Kesariya P.S. Case No. 427 of 2019 u/s 395 of the IPC.

iii) Kesariya P.S. Case No. 426 of 2019 u/s 399, 402, 412, 120B of the IPC and 25(10b)a, 26, 35 of the Arms Act.”

Learned counsel appearing on behalf of the petitioner has argued that co-accused Sahil Raj, with the same allegation of recovery of firearm, has been allowed regular bail by this Court by an order dated 16.09.2020 passed in Cr. Misc. No. 22945 of 2020.

From the said order dated 16.09.2020 passed by this Court, which has been annexed as Annexure-2 to a supplementary affidavit filed on behalf of the petitioner in the present case, it does not appear whether said Sahil Raj too had criminal antecedent and whether the fact of his criminal antecedent, if any, was brought to the notice of this Court at the time of consideration of his bail.

Considering the criminal antecedent of the petitioner, as noted above, in my view, for the present, no case is made out for grant of regular bail.

This application is accordingly dismissed.

The petitioner shall have liberty to renew his prayer for bail after six months, if there is no substantial progress at the



trial.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social



distancing.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

