

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27957 of 2020**

Arising Out of PS. Case No.-123 Year-2019 Thana- PANDARAK District- Patna

SUNIL KUMAR @ SUNIL KUMAR YADAV @HALUA S/o Late
Shivnandan Yadav Resident of Village-Gowasa Shekhpura Gheraper, Police
Station-Pandarak, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.

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

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

2 02-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Lalan
Kumar, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Pandarak P.S. Case NO.123/2019

registered for the offence under Sections 25(1-B)a, 26,35 of the

Arms Act.

Learned counsel for the petitioner submits that as per

the allegations the petitioner was arrested along with two other

co-accused on a chase by police party. From the possession of

the petitioner, it is alleged that one country made loaded Katta



and seven live cartridges were recovered. It is further submitted that the petitioner is in judicial custody in connection with this case since 07.12.2019 and co-accused similarly situated have been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.18185 of 2020 (Annexure-3).

On the other hand, learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein this petitioner has remained in judicial custody for over ten months and the co-accused has also been granted regular bail by a learned coordinate Bench of this Court, let the petitioner abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Barh (Patna) in connection with Pandarak P.S. Case NO.123/2019, 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.

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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

