

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18687 of 2021

Arising Out of PS. Case No.-739 Year-2020 Thana- KHAGARIA District- Khagaria

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Sudhir Sah, male, aged about 25 years, S/o Jagdambi Sah Resident of
Village- Dhusmuri Bishanpur, P.S.- Khagaria (Muffasil), District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Khagaria (Muffasil) PS Case
No. 739 of 2020 instituted for the offence under Sections 25(1-
b)a, 26 and 35 of the Arms Act.

Since 02.10.2020 the petitioner is stated to be in custody
based on alleged recovery of one loaded country made pistol.



Petitioner's counsel submits that it is a case of false implication. The recovery is not in accordance with law and that no such recovery whatsoever has been made. He has one criminal antecedents in Khagaria (Muffasil) PS Case No. 590 of 2019 in which he is already on bail.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Khagaria, in connection with Khagaria (Muffasil) PS Case No. 739 of 2020, GR No. 2959 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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