

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22871 of 2021**

Arising Out of PS. Case No.-278 Year-2020 Thana- BARAUNI District- Begusarai

Sunny Singh @ Sunny Kumar, son of Mantun Singh, Resident of village-
Thakurichak, Chakbal tola, ward no.15, P.S. Barauni, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the State : Smt. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 23-11-2021 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Barauni
P.S. Case No.278 of 2020, registered for the offence punishable
under Sections 25(1-b), a, 26, 35 of the Arms Act.

Prosecution case in brief, is that a raid was conducted
in house of co-accused Chiku Kumar and one country made
pistol with empty magazine, one country made pistol, one
country made pistol with live cartridges of .315 bore, one
country made pistol, one empty magazine, three live cartridges
of .315 bore were recovered and the petitioner has been named
in the FIR. It has further been alleged that in the FIR that the



petitioner has also been named in Barauni Garhara P.S. Case No.275/2020.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is falsely been implicated in the present case and nothing has been recovered from his conscious possession only on account of the fact that he was made an accused in connection with Garhara P.S. Case No.275/2020, in which he has already been released on bail vide order dated 04.08.2021 passed in Cr. Misc. No.2594 of 2021. Learned counsel for the petitioner submits that other co-accused from whose possession the arms has been recovered has already been released on bail by this Court vide order dated 19.01.2021 passed in Cr. Misc. No.35733 of 2021 and one co-accused Dani Singh has also been released vide order dated 26.08.2021 passed in Cr. Misc. No.31742 of 2021. Learned counsel appearing on behalf of the petitioner further submits that the petitioner is in custody since 27.09.2020 and he has also made specific statement in paragraph-6 that no incriminating object has been recovered from the conscious possession of the petitioner nor from his house.

Learned counsel for the State, however, opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case for the purpose of consideration of prayer of bail case does not corroborated, nay any evidence to show that the petitioner is involved in the present case and hence, let the petitioner, above named, 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 Chief Judicial Magistrate, Begusarai in connection with Barauni P.S. Case No.278 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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