

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37401 of 2020**

Arising Out of PS. Case No.-145 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Sunil Kumar Son of Bhalo Yadav Resident of Village- Koriya, P.S.- Muffasil,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 08-02-2021 This case has been listed under the heading ‘*To Be
Mentioned*’ at the instance of learned counsel for the petitioner.

Learned counsel for the petitioner submits that the
petitioner was granted bail but the order shows that the case
diary has been called for.

It appears that due to technical glitches the order
dated 02.02.2021 passed in this case was typed as calling for the
case diary. In fact, the petitioner was granted bail, which appears
from the progress report of the case as also the message
received by the learned counsel for the petitioner.

In that view of the matter, the order dated 02.02.2021
passed in this case is hereby recalled.

Heard learned counsel for the petitioner and learned
APP for the State.



Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 25 (1-b)a & 26 (2) of the Arms Act.

While the informant with the police force was on way to village Koriya and when they reached near the house of Suraj Sahni, one young boy tried to escape seeing the police but was apprehended. On query, he disclosed his name as Sunil Kumar (Petitioner). On search, one loaded pistol and one cartridge is said to have been recovered from his possession.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case by the police. No incriminating article has been recovered from his conscious physical possession rather it has been transplanted by the police itself. In fact, the petitioner was going towards his home and at the road the police stopped for checking but nothing was recovered and some hot talk were exchanged



between them resulting into his arrest and false implication. No independent witness has seen the occurrence. The petitioner has no criminal antecedent and has been languishing in custody since 20.03.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, **after verification of his criminal antecedent**, and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No.145 of 2020.

(Anjani Kumar Sharan, J)

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