

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39994 of 2020

Arising Out of PS. Case No.-64 Year-2020 Thana- BARGAINIA District- Sitamarhi

SANJEEV KUMAR @ SANJIV KUMAR Son of Manoj Rai Resident of
Village - Chhotka Panchtaki, P.S.- Bairstania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-02-2021 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/26/35 of the Arms
Act.

Three boys including the petitioner, while crossing
the Indo-Nepal Boarder, have allegedly abandoned/thrown away
some substance on seeing the police party. Petitioner, being one
of the three, was apprehended from the place.



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. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession rather it has been recovered from the field but the police only on the basis of suspicion apprehended the petitioner along with others. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Co-accused, namely, Jay Prakash Kumar and Deepak Kumar have been enlarged on bail by co-ordinate bench of this court vide order dated 21.09.2020 & 22.12.2020 passed in Cr. Misc. No.24602 of 2020 and 33891 of 2020. The petitioner has no criminal antecedent and has been languishing in custody since 18.03.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail 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, Sitmarhi in connection with Bairganika



P.S. Case No.64 of 2020, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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