

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1815 of 2021**

Arising Out of PS. Case No.-370 Year-2020 Thana- SITAMARHI District- Sitamarhi

SAROJ KUMAR SON OF DEVENDRA YADAV RESIDENT OF  
VILLAGE-BASAH, P.S.-BAJPATTI, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      04-03-2021                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner is in custody since 18.07.2020 in connection with Sitamarhi P.S. Case No. 370/2020 registered for the offences punishable under Sections 399/402 of the Indian Penal Code and Section 25(1-B)a, 26/35 of the Arms Act.

As per the prosecution case, on secret information, some suspects have assembled at the passenger shed situated at Bhup-Bhiro Chowk, police reached there and apprehended the petitioner along with other co-accused persons. On search, one country-made loaded pistol was recovered from the waist of the petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from the possession of the petitioner.



Learned counsel refers to Annexure-2 to the petition and submits that as per the Certificate issued by the Bihar School Examination Board, the date of birth of the petitioner is 22.12.2019 and he was 21 years on the alleged date of occurrence and offence under Section 25(1-B)a, 26/35 of the Arms is bailable in accordance with provisions of Section 9(1) (A) and 25(2) of the Arms Act. It is further submitted that no case under Section 399 and 402 of the IPC is made out against this petitioner. Charge-sheet has already been submitted in this case. Petitioner is in custody since 18.07.2020 having no criminal antecedent.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi P.S. Case No. 370/2020, subject to following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates



without sufficient reason, his bail-bonds shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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