

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3440 of 2021**

Arising Out of PS. Case No.-325 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Sunny Kumar @ Rishu, Son of Mr. Krishna Kumar Thakur Resident of
Village-Basua, P.S.- Aurai, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-04-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Sadar P.S. Case No. 325 of 2020 registered

for the offences punishable under Section 414/34 of the Indian

Penal Code and Section 25(1B)a, 26(2), 35 of the Arms Act.

As per prosecution case in brief is that when the

informant raided the house of Sunny Kumar on the basis of

confessional statement of one Pappu Sahani, while the

informant along with local police surrounded the said house,

one person tried to flee away with suspicious articles, thereafter



some local people assembled there, a proper search was made and from a towel which was in his hand, one 12 bore double barrel country made gun with one cartridge of 12 bore in barrel and another cartridge of 12 bore was recovered after unloading the gun.

Learned counsel for the petitioner submits that petitioner has committed no offence as alleged in the F.I.R. he has been falsely implicated in this case. Learned counsel submits that the petitioner has remained in custody in connection with this case for almost ten months. So far as the cases stated in paragraph '3' are concerned, the petitioner has been brought in those cases after his arrest in the present case only and in those cases the prayer for bail of the petitioner is pending.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case in which it is alleged that the petitioner has been arrested on the basis of confessional statement of the co-accused when raid was conducted in his house and from his possession one 12 bore double barrel country made gun with one cartridge of 12 bore in barrel and another cartridge of 12 bore, the submission



being that the petitioner has remained in custody in connection with this case for almost ten months, investigation against him is complete and so far as the cases stated in paragraph '3' are concerned, the petitioner has been brought in those cases after his arrest in the present case only and in those cases the prayer for bail of the petitioner is pending, considering that the petitioner has remained in jail for ten months and prior to the present case he has no other case as stated, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – IX – cum – Sub-Judge, Muzaffarpur, in connection with Sadar P.S. Case No. 325 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

