

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4466 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- SHASTRINAGAR District- Patna

SONU KUMAR @ SONU KR. @STAR SON OF LATE UPENDRA YADAV
RESIDENT OF MOHALLA- PATEL NAGAR, MAHABIR PATH, POLICE
STATION- SHASTRI NAGAR, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Shashtrinagar P.S. Case No. 44 of 2021 registered for the
offences punishable under Sections 25(1-b)a, 26 and 27 of the
Arms Act.

As per seizure list, there is recovery of one loaded
pistol and two live cartridges from the possession of Sonu
Kumar @ Sonu Kr. @ Star and petitioner was apprehended on
spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 28.01.2021. Petitioner bears criminal antecedent of one case of Excise Act. The petitioner is innocent and has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. From bare perusal of seizure list it appears that the recovery of alleged arms is near from the park beside Quarter No. HF/68 and not from the conscious possession of the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IVth, Patna in connection with Shastrinagar P.S. Case No. 44 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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