

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5867 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- KINJAR District- Jehanabad

Sanjeet Kumar @ Chhotu, Son of Ramnath Prasad, Resident of Village -
Danara, P.S. - Bikram, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Kinjar P.S. Case No. 48 of 2021 registered for the alleged offences under Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, police received information about smuggling of weapons and a checking was started. One Baleno car was intercepted from which five persons were apprehended who were sitting in the said car. Petitioner is one of the apprehended persons. From the possession of this petitioner four live cartridges were recovered. Further recovery was made from other co-accused persons and a country made carbine was also recovered from the dickey of the car.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the car as alleged and he was arrested from his house on the basis of his criminal antecedent. The petitioner is neither the driver of the car in question nor he deals with any type of firearms. The carbine was not recovered from the conscious possession of the petitioner. Police has made two constables of the raiding party as witnesses in this case. There is complete violation of Section 100 of Cr.P.C. A number of co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 28.07.2022 passed in Cr. Misc. No. 67398 of 2021, order dated 17.05.2022 passed in Cr. Misc. No. 71478 of 2021, order dated 17.05.2022 passed in Cr. Misc. No. 1200 of 2022 and order dated 25.05.2022 passed in Cr. Misc. No. 2454 of 2022. The petitioner is in custody since 30.06.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner was apprehended with live cartridges and he is having a number of cases pending against him.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



period of custody of the petitioner as well as submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Arwal in connection with Kinjar P.S. Case No. 48 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

