

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5567 of 2022

Arising Out of PS. Case No.-86 Year-2021 Thana- SARE District- Nalanda

SAURABH KUMAR @ MONU KUMAR S/o Shambhu Sharan Prasad R/o
Mohalla- Nichali Kila Garhper, Bihar Sharif, P.S.- Bihar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar No.1

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 12-09-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sare
P.S. Case No. 86 of 2021 registered for the offences punishable
under Sections 25(1-b)A, 26 of the Arms Act.

As per prosecution case, there is alleged recovery
of one country made pistol as well as three live cartridges from
the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 12.07.2021. Petitioner bears five
criminal antecedents. Charge sheet has already been submitted
in the case and there is no likelihood of tampering with the
prosecution evidence. Learned counsel further submits that the
petitioner is innocent and has committed no offence and has



falsely been implicated in this case due to ulterior motive. Nothing has been recovered from the possession of the petitioner.

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

Considering the facts and circumstances of the case as well as period of custody is more than one year, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Sare P.S. Case No. 86 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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