

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10137 of 2022

Arising Out of PS. Case No.-840 Year-2021 Thana- NAGAR District- Vaishali

Sunil Kumar Sharma Son of Jitendra Sharma Resident of Village - Jafarabad,
P.s.- Desri, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 28-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner seeks bail in connection with a case
registered for the offences punishable under Section 414 of the
Indian Penal Code and 25(1-b)a, 26 and 35 of the Arms Act.

Allegation is of recovery of one country-made pistol,
one live cartridge and a golden chain weighing 10.05 gm from
the possession of the petitioner and the said golden chain was
looted from Muthut Finance Company Gold.

Learned counsel for the petitioner submits that the
petitioner is innocent and has not committed any offence as
alleged in the F.I.R.. It is further submitted that the petitioner



has no concern with the recovered articles and his name transpired in this case only on the basis of confessional statement of other co-accused, namely, Surveer Kumar @ Surajveer Kumar. It is further submitted that there is no compliance of Section 100 of the Criminal Procedure Code with regard to the seizure list. It is submitted that seizure list has not been attached with the F.I.R.. The petitioner is in custody since 20.10.2021, charge-sheet has been submitted in the case and he has one criminal antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 840 of 2021, subject to the 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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