

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11326 of 2022

Arising Out of PS. Case No.-350 Year-2021 Thana- RANIGANJ District- Araria

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Suman Warnwal @ Suman Kumar Sah @ Suman Kumar Son Of Ashok Sah,
Resident Of Village- Betona, P.S.- Raniganj, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 39/2022 arising out of Raniganj P.S. Case No. 350 of 2021 lodged under Sections 307/34 of the Indian Penal Code read with Section 25(1-b)A, 26 and 27 of the Arms Act.

Learned counsel for the petitioner submits that in the F.I.R. in which Santosh Vishwas is the informant and the petitioner has been made accused. The allegation is that the petitioner has fired by his pistol upon one Balram Vishwas, who has injured, is absolutely false. He further submits that the seizure list which is at page-18 of the petition indicates that the recovery of arms (pistol) was made from Santosh Kumar

Vishwas, the informant. The learned counsel for the petitioner further submits that for the same occurrence, there are two F.I.Rs lodged. The F.I.R. which has been filed by the petitioner clearly indicates that the informant of the present case Santosh Vishwas had fired on the petitioner but due to mistake, the injury has taken place to the Balram Vishwas and in this regard, an F.I.R. has been filed by the present petitioner which is numbered as Raniganj P.S. Case No.352 of 2021. He further submits that petitioner is in custody since 25.11.2021 and commitment has already taken place in this case.

Learned A.P.P. has opposed the prayer for bail and submits that there is a direct allegation in the F.I.R. upon the present petitioner to make gun shot but also accepts that the seizure list indicates that recovery of arms has taken place with Santosh Kumar Vishwas i.e. informant of the present case.

In the present facts and circumstances that the recovery of arms is not supporting the F.I.R. filed by the present informant, rather it supports the F.I.R. filed by the petitioner and also after considering the period of custody i.e on 25.11.2021 and petitioner having clean antecedent, let the petitioner above named, be granted bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the

satisfaction of learned Additional Chief Judicial Magistrate-VI,
Araria in connection with Raniganj P.S. Case No. 350 of 2021,
subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of
trial and make himself available as and when required by the
court.

(ii) At the time of furnishing bail bond, the petitioner
shall file an affidavit to the effect that he shall not indulge
himself in future in the similar type of offence. If it is found so,
the prosecution will have liberty to file an application before the
court below for cancellation of the bail of the petitioner and the
learned court below will take decision in accordance with law.

Accordingly, the bail application stands disposed of.

(Dr. Anshuman, J)

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