

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13802 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- BHAPTIAHI District- Supaul

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SUNIL KUMAR SUMAN, Son of Late Manoj Kumar Mehta Resident of
Village - Dahupatti Ward No.- 7, P.S.- Bhaptiyahi, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-07-2022 Heard Mr. Anil Prasad Singh, learned counsel for

the petitioner and learned APP for the State.

The petitioner seeks bail in connection with

Bhaptiyahi P.S. Case No. 114 of 2021, registered for the

offences punishable under Sections 25(1-b)a/26 of the Arms

Act.

As per allegation, one country made pistol was

recovered from the possession of the petitioner.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that as per allegation the

petitioner was carrying illegal country-made pistol without



any cartridge. He also submits that nothing has been recovered from the conscious possession of the petitioner and he has been victimized on account of village politics. It has further been submitted that the seizure list has not been prepared as per the rules provided in Cr.P.C.

The petitioner is in custody since 19.09.2021

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier either for grant of anticipatory bail or regular bail in the present case.

It has further been stated that the petitioner has been made accused in one other case, namely, Bhaptiyahi P.S. Case No. 68 of 2015.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M., Supaul in connection with Bhaptiyahi P.S. Case No. 114 of 2021 on



the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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