

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18009 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- SHANKARPUR District- Madhepura

SAGAR KUMAR Son of Akhilesh Yadav, Resident of Village- Rupauli, Ward
No.01, Police Station- Gamhariya, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Shankarpur P.S. Case No. 221 of 2021 lodged under Sections
399 and 402 of the Indian Penal Code read with Section 25(1-
B)a, 26 and 35 of the Arms Act.

The present F.I.R. lodged under Sections 399 and 402
of the Indian Penal Code, in which nothing was recovered from
the possession of the petitioner but upon petitioner's disclosure,
recovery of loaded desi katta and one live cartridge are
recovered from a hut/Mandap. Petitioner has criminal
antecedent as stated in paragraph-3 of the petition.

Learned counsel for the petitioner submits that from
the F.I.R., itself it transpires that no offence of loot or dacoity

has taken place. He further submits that police has not recovered anything from the possession of the petitioner, as such arms act is not applicable in the present case. On submission that he has no clean antecedent, the counsel for the petitioner submits that he is ready to appear before the trial court in the present case on each and every date and he is also ready to file an affidavit that he shall not involve in criminal activity in future. It has also been submitted that petitioner is in custody since 16.12.2021 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-Ist., Madhepura in connection with Shankarpur P.S. Case No. 221 of 2021, subject to the condition as laid down under Section 437(3) of the Cr.P.C.

The petitioner is directed to appear on each and every date before the Trial Court, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail

bond. If he shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of his bail bond.

With this observations, the bail application stands disposed of.

(Dr. Anshuman, J.)

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