

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21508 of 2022**

Arising Out of PS. Case No.-317 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

SONU KUMAR RAI S/o Ram Babu Rai @ Ram Baboo Roy Resident of
Village- Rampur Bhikhanpura, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 20-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Sahebganj P.S. Case No. 317/2021 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 and one live cartridge from the
possession of the petitioner. The petitioner was apprehended on
the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 03.07.2021



and bears criminal antecedent of eight cases. The falsity of the present case is very much clear that it is specifically stated in the FIR that the petitioner was an accused in Sahebganj P.S. Case No. 215/2020 but till the date of filing of the rejection of the bail application by the learned Court below, the petitioner was not remanded in the above case. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that without having any cogent evidence, the petitioner has falsely been implicated in the cases as mentioned in para 3 of the bail petition in routine manner and almost all the cases have been registered between the year 2020-21.

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, period of custody, charge sheet has already been submitted in this case 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-



1st (West) Muzaffarpur, in connection with Sahebganj P.S. Case
No. 317/2021, 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.

(Alok Kumar Pandey, J)

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