

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27148 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- NAGAR District- Vaishali

SANJAY KUMAR @ SANJAY MALI S/o Ram Naumi Bhagat R/o village-
Ismailpur, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 25(1-b)a, 26
of Arms Act in connection with Hajipur Town P.S. Case No. 02
of 2022.

As per the allegation in the FIR, when the police
party were on patrolling duty they saw a person trying to escape.
He was apprehended who disclosed his name as Sanjay Kumar
@ Sanjay Mali, the petitioner herein. Upon search, it is alleged
that a country made pistol and live cartridges were
recovered/seized from his possession. Accordingly, he was taken
into custody and he further confessed to have also taken part in



the loot in the gift shop.

Learned counsel for the petitioner submits that the petitioner is innocent and he was strolling on the road when the police apprehended and implicated him in the Arms Act. He submits that he is in custody since 3.1.2022 (as stated in para-12 of the bail application) only because he has half a dozen cases pending against him.

Taking into account the aforesaid facts that the petitioner is in custody since 3.1.2022, the charge-sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him the privilege of bail with certain conditions in view of the fact that he has criminal antecedents.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No. 02 of 2022 subject to the following conditions:

- (i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month till conclusion of the trial to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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