

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27234 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- AMARPUR District- Banka

SUSHANT KUMAR @ CHHOTU KUMAR S/o Sanjay Prasad Sah R/o
village- Chhoti Durga Sthan, Amarpur, P.S.- Amarpur, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

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

The case is registered under sections 341, 323, 504,
506 of the Indian Penal Code and section 25(1-b)A, 26 of the
Arms Act in connection with Amarpur P.S. Case No. 33 of 2022.

The allegation in the FIR is that the petitioner
started abusing Rahul Kumar Sah and upon protest, he
brandished revolver. Accordingly, locals caught him and country
made revolver seized and subsequently police took him into
custody.



Learned counsel for the petitioner submits that for the said alleged recovery, he has suffered by being in jail since 18.1.2022 despite the fact that he has no criminal antecedent which he has tried to explain in para-3 of the bail application.

Considering the fact that the petitioner is in custody since 18.1.2022, has no criminal antecedent and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

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 Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 33 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 fortnight for next six months 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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