

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28599 of 2022

Arising Out of PS. Case No.-640 Year-2021 Thana- MADHEPURA District- Madhepura

SUSHANT KUMAR S/o- Ramchandra yadav Resident of Village - Daifra
Ward No. 10, P.S. - Gwalpara, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Madhepura P.S. Case No. 640 of 2021 registered for the alleged offences under Sections 25(1-b)a, 26/35 of the Arms Act.

As per prosecution case, the petitioner and co-accused were apprehended when they were asked to stop by the police while coming on a motorcycle but they tried to flee away from the spot. A loaded country made pistol and one live cartridge was recovered from the co-accused and from this petitioner one



live cartridge was recovered.

Learned counsel for the petitioner submits that the petitioner is falsely implicated in this case and nothing incriminating has been recovered from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 12.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and three cases are pending against him.

Having regard to the submission made on behalf of the parties and considering the period of custody of this petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 640 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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