

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28499 of 2022**

Arising Out of PS. Case No.-291 Year-2021 Thana- SULTANGANJ District- Bhagalpur

Sanni Dayal Kumar Son Of Late Upender Prasad Bind Resident Of Village-
Pildowri Bind Tola, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 26-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 452, 307, 506 of the Indian
Penal Code and Sections 25(1-b)a, 26 of the Arms Act.

According to prosecution case, in short is that on
23.12.2021, the informant Podin Bind was at his house, all of a
sudden his villager Sanny Dayal Kumar entered in his house
with country made pistol and started giving threatening. The
informant raised alarm on which the nearby villagers assembled.
It is alleged that accused pointed the country made pistol



towards the informant and villagers and threatened them. It is alleged that when the informant tried to snatch the country made pistol from possession of accused then the accused put the country made pistol on his temple but with the help of villagers the country made pistol was snatched. Thereafter, the accused along with country made pistol were brought at concerned police station and handed over the same to police.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that nothing has been recovered from the consecutive possession of the petitioner rather the informant himself produced country made pistol before police which creates doubt regarding the genuineness of whole prosecution story and there is no occurrence as alleged in the F.I.R. took place. He further submits that there is no injury so there is no case is made out under Section 307 of the I.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other



than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sultanganj P.S. Case No. 291 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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