

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30153 of 2022

Arising Out of PS. Case No.-768 Year-2021 Thana- SONEPUR District- Saran

Vishal Alias Police Son of Murat Resident of Village - Purvari Tola, P.s.-
Sonepur, Distt.- Saran Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Mr. Vijay Kumar, learned counsel for the petitioner
and Mr. Sanjay Kumar Tiwary, learned APP for the State are
present.

Petitioner seeks regular bail in connection with
Sonepur P.S. case no. 768 of 2021 registered for the offences
punishable under Sections 25 (1-b) a/26 of the Arms Act.

Allegedly from the possession of this petitioner a
loaded country made pistol was recovered and one co-accused
was also arrested at the spot with fire-arm and other two co-
accused persons managed to escape and as per the prosecution
the accused persons including the petitioner gathered at the



alleged place of occurrence with fire-arms.

The main submissions advanced by Mr. Vijay Kumar, learned counsel for the petitioner are that the petitioner has been languishing in jail since 25.12.2021 and against him there is criminal antecedent of one case in which he is on bail and he has been charge-sheeted in the present case and his case is at initial stage of trial.

Learned APP has opposed the prayer for bail.

In view of the above submissions and considering the fact that the recovery of alleged fire-arm was made before the police personnel and the investigation has been completed in respect of the petitioner and his case is at initial stage of trial and he has been languishing in jail since 25.12.2021 in the present case, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Sonapur P.S. case No. 768 of 2021 on 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 below and shall remain physically present as directed by the



Court below 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) One of the bailers shall be a close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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