

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33788 of 2022

Arising Out of PS. Case No.-361 Year-2020 Thana- BIDUPUR District- Vaishali

SUMIT KUMAR @ ZAMURA Son of Ashok Singh @ Ashok Kumar
Resident of Village - Kuwari Bujurg, P.S.- Gangabridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bidupur
P.S. Case No. 361/2020 registered for the offences punishable
under Sections 399, 402, 120B of the Indian Penal Code and
Sections 25(1-B)a, 26, 35 of the Arms Act.

As per prosecution case, on 16.09.2020 the informant
got information that 10-12 miscreants were planning to commit
crime. On such information, informant reached at the place of
occurrence and apprehended several accused persons and from
their possession pistols and cartridge were recovered.
Apprehended persons disclosed the name of other associates



including the petitioner who was then in judicial custody and managing the people.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot and no incriminating articles has been recovered from the possession of the petitioner. Rather the petitioner was in incarceration in the jail on the alleged date of occurrence but he was implicated in this case due to criminal antecedent. The petitioner is languishing in custody since 12.11.2020 as mentioned in the impugned order and bears criminal antecedent of 10 cases. Learned counsel for the petitioner further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Similarly situated co-accused, Golu Jha has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.23149/2021.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence also



taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 361/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.



(v) Petitioner shall not live the territorial jurisdiction
of the concerned trial court without appropriate permission of
the court concerned.

(Alok Kumar Pandey, J)

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