

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33851 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- KIUL District- Lakhisarai

Sujit Kumar Son Of Dinanath Verma R/O Village- Khagaur, P.S.- Kiul,
District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-09-2022 Heard Mr. Pankaj Kumar Sinha, learned counsel for
the petitioner and Mr. Pranav Kumar, learned APP who
represents 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 25(1-
b)a/26,35 of Arms Act, in connection with Kiul P.S. Case No. 35
of 2022.

As per the FIR, the Station Head Officer, Kiul has
alleged that in course of the investigation of Kiul P.S. No. 27 of
2022 registered under section amongst other 302 of the Indian
Penal Code, the name of Shiva Kumar cropped up who in his
confessional statement named this petitioner whereafter his
house was raided and upon interrogation, he accepted his guilt



in the said 302 IPC case took the police to the place where the pistol was hidden after the crime. Accordingly, the pistol was recovered/seized and the present FIR came to be lodged.

Learned counsel for the petitioner submits that so far as this case is concerned, it relates to recovery/seizure of the alleged revolver for which he deserves bail being in custody since 14.3.2022.

Per contra, the learned APP submits that this case has to be co-related with the other case which is lodged under section 302 of the Indian Penal Code and that background the petitioner was one of the person who took the police to the site from where the alleged revolver was recovered/seized and as such opposes his release on bail.

Considering the fact that the matter relates to recovery/seizure of arms as also the fact that he is in custody since 14.3.2022 (as stated in para-14 of the bail application) and the charge-sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him the privilege of bail after framing of the charges.

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, Lakhisarai, in connection with Kiul P.S. Case No. 35 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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