

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33838 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Sanjeet Kumar Son of Asarphi Ram Resident of Village - Rampuragan, Police
Station- Motipur, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Choubey Jawahar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-09-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard Mr. Bhavesh Kumar, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned APP for the State.

Petitioner seeks regular bail in connection with Motipur
P.S case No 96 of 2022, registered for the offences punishable
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Allegedly on seeing the police party the petitioner and
co-accused person who were riding on a motorcycle at that time,
attempted to flee but both were apprehended at the spot, from the
possession of this petitioner one loaded country made pistol was
recovered and from the possession of co-accused a live cartridge
was recovered.



The main submissions advanced by Mr. Bhavesh Kumar, learned counsel for petitioner are that the police have malice intention against this petitioner and he was earlier made accused by the police in the year 2019 in connection with Motipur P.S. case no. 56 of 2019 with the same nature of allegation like the present case and in that case the petitioner has been granted bail and at the time of search on this petitioner the provisions of Section 100 of Cr.P.C., were not followed by the police, in actual the petitioner was picked up by the police from his house and thereafter the present case was falsely prepared. Further submission is that petitioner has been languishing in jail since 9.3.2022 and his case is at initial stage and till now the charge has not been framed by the Court concerned.

Mr. Choubey Jawahar, learned APP for the State has opposed the prayer for bail.

In view of the above submissions and considering the petitioner's custody period and stage of his case, in the opinion of this Court the petitioner deserves to a lenient approach, 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 the concerned Court in connection with Motipur P.S. case no. 96 of 2022, 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 petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than Motipur P.S. case no. 56 of 2019 of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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