

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34419 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- RAJEPUR District- East Champaran

Sachin Kumar, S/o Late Upendra Singh, R/o Maniyarpur, P.S.- Rajepur,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Ranjana Srivastava, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rajepur P.S. Case No. 182 of 2021 corresponding to G.R. No. 6353 of 2021 registered for the alleged offences under Sections 25(1-b)a and 26 of the Arms Act.

As per prosecution case, the police apprehended the petitioner and from their possession a loaded country made pistol with one live cartridge and separately five cartridges apart from pellets were recovered.



The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case and allegations against him are false and concocted. Nothing incriminating has been recovered from the possession of this petitioner and the alleged recovery is planted one. The petitioner is in custody since 22.11.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent and there is a case pending against him for robbery.

Having regard to the submissions made on behalf of the parties and further considering the period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, East Champaran, Motihari in connection with Rajepur P.S. Case No. 182 of 2021 corresponding to G.R. No. 6353 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



(ii) One of the bailors will be Mukul Kumar, brother of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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