

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34122 of 2022

Arising Out of PS. Case No.-185 Year-2022 Thana- SUPAUL District- Supaul

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SUJIT KUMAR SAH @ SUJIT KUMAR S/o Viko Sah Resident of Village-
Katdumar, P.S.- Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Supaul P.S. Case No. 185 of 2022 for the offences under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The informant, SHO, Supaul has lodged the FIR
stating that in search of accused, Vivek Yadav, they reached
Supaul Emergency Hospital. Although the said co-accused
could not be found, as they saw a locked room, the same was
made open and a country-made pistol and a cartridge was
recovered from a bag. As per the owner, the said room was
rented to Sujit Kumar Sah @ Sujit Kumar (the petitioner herein)



and Raushan Kumar. Accordingly, they were named in the present FIR.

Learned counsel for the petitioner submits that they were not present in the home at the time when the police has shown the alleged recovery and as such, under no circumstances, the said recovery/seizure can be attributed to them. He further submitted that he has been implicated only because, he has criminal antecedent. His last submission is that he is an employee of the Supaul Emergency Hospital and has long back put an end to any criminal act but once again he has been dragged in this case.

Learned APP for the State, on the other hand, submits that the room was allotted to him and as such he cannot be exonerated himself from the alleged recovery.

Be that as it may, the petitioner is in custody since 07.04.2022, charge sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him privilege of bail.

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 Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 185 of 2022,



subject to the following conditions:-

(i) one of the bailor should be the family member 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)

Jagdish/Neha-

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