

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48167 of 2021**

Arising Out of PS. Case No.-134 Year-2018 Thana- BEERPUR District- Begusarai

SOMAR KUMAR @ SOMRA @ SUMRAN KUMAR S/o KARE SINGH @
ASHOK KUMAR SINGH R/o VILLAGE-RAMDIRE, NAKTI TOLA
(NEAR THE HOUSE OF BHALTU MUKHIYA), P.S-MATIHANI,
DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Choubey Jawahar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 22-03-2022 The present application has been listed under the heading 'To Be Mentioned' at the instance of this Court inasmuch as while signing the order, dated 11.03.2022, by which the prayer for bail of the present petitioner was rejected, it came to light that nothing has been recovered from the possession of the petitioner.

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

Learned Counsel for the petitioner submits that in paragraph 4 of this application, the prosecution case has wrongly been mentioned, stating therein that one country-made pistol loaded with 8 MM cartridge along with three live cartridges have been recovered from the possession of the



petitioner; whereas, from the First Information Report, seizure list and paragraph 8 of this application, including the impugned order, it would be evident that nothing has been recovered from the possession of the petitioner and at the time of hearing of this matter, on 11.03.2022, learned Counsel for the petitioner, based upon his statement made in paragraph 4 of this application, submitted that fire arm and cartridges were recovered from the possession of this petitioner.

Learned Counsel for the petitioner submits that co-accused persons, from whose possession, fire arm and cartridge were recovered, have been granted bail by co-ordinate Benches of this Court and some of the orders have been annexed as Annexures 2 and 3 series and he furnishes before this Court copies of the orders in course of argument, by which other co-accused persons have been granted bail by co-ordinate Bench of this Court.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that no incriminating material and/or fire arm or cartridge has been recovered from the possession of the petitioner and co-accused persons, from whose possession fire arm and cartridge has been recovered, have been granted bail by co-ordinate



Bench of this Court, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Begusarai, in connection with Birpur Police Station Case No. 134 of 2018.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Let the unsigned order, dated 11.03.2022, be remain on the record of this case.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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