

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42667 of 2022

Arising Out of PS. Case No.-195 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

SUSHANT KUMAR S/o Krishnandan Kumar R/o Village- Brishnupur
Chandi Chauk Ward No. 39, P.S.- Town, Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State .

The petitioner seeks bail in connection with
Begusarai Town P.S. Case No. 195 of 2022 registered for the
offences punishable under Section 25(1-b) a, 26 Arms Act.

As per prosecution case, one country made pistol
was recovered from the left waist of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 31.03.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and
there is no likelihood of tampering with the prosecution
evidence. He further submits that seizure list has not been made



as per law. He further submits that petitioner has not signed as a seizure list witness in a excise Act so the police has falsely implicated petitioner in this case. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 195 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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