

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55999 of 2021

Arising Out of PS. Case No.-432 Year-2021 Thana- KUDHNI District- Muzaffarpur

SUNNY KUMAR Son of Late Shiwlal Singh Resident of Village- Kishurpur Mahan, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-01-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Kurhani P.S. Case No. 432 of 2021 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, one loaded double barrel gun and two live cartridges were recovered from waist of the petitioner.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. It is further submitted that as a matter of fact, no incriminating article has been recovered from possession of the petitioner rather the police has planted the same and so that in the FIR recovery of one double barrel gun and two live cartridges have been shown from conscious possession of the petitioner. Petitioner is in custody since 15.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Additional Chief Judicial Magistrate-1, Muzaffarpur in connection with Kudhani P.S. Case No. 432 of 2021, subject to 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 and shall remain physically present as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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