

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 49490 of 2022**

Arising Out of PS. Case No.-80 Year-2022 Thana- JAMALPUR District- Munger

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SUMIT KUMAR @ SUMIT KUMAR YADAV S/o Ganit Yadav Resident of
Village- Nayatola, Jurabganj, P.S.- Korha, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Madhukar Anand, Advocate

For the Opposite Party/s : Ms Asha Devi, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Jamalpur Police Station
(for brevity, **PS**) Case No 80 of 2022 registered for the offence
punishable under Section 414 of Indian Penal Code and
Sections 25 (1-B) a, 26 (ii), 35 of Arms Act.

Petitioner is alleged to have been apprehended being
in possession of a loaded country made pistol, two live
cartridges and one mobile phone.

Learned counsel for the petitioner submits that it is a
case of false implication. The seizure list does not bear
signature of any independent witness though recovery is alleged



from a public place. The seizure, therefore, is not in accordance with law. The petitioner has no criminal antecedent and he is in custody since 20.05.2022. being a passerby, the petitioner has become a victim of the circumstance. Charge sheet has also been submitted in this case.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Munger in Jamalpur PS Case No 80 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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