

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64681 of 2021

Arising Out of PS. Case No.-478 Year-2020 Thana- BUXAR District- Buxar

Sunil Kumar Sharma @ Sunil Vishwakarma @ Sunil Sharma, Son of Late
Baidyanath Prasad @ Late Baij Nath Prasad Resident of Village- Chandapur,
Police Station- Cholapur (Janpad), District- Varanashi (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-08-2022 Heard Mr. Sanjay Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Anil Kumar Singh No.1,
learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Buxar (T) P.S. Case No. 478 of 2020 for the offence punishable
under Sections Sections 25(1-b)a, 26 and 35 of the Arms Act.

Allegation is of recovery of one country made pistol
and three live cartridges from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in the present case. He has one criminal antecedent



and to that effect he has made specific statement in Para-3 of the bail application. Petitioner is in custody since 24.10.2020. Charge sheet has already been submitted. He further submitted that if the petitioner is directed to be released on bail, he will abide any terms and conditions imposed by this Court.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having considered the allegation made in the F.I.R. as well as the period of custody undergone, charge sheet has already been submitted and there is no likelihood of the trial to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Buxar in connection with Buxar (T) P.S. Case No. 478 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned S.H.O. of the police station shall submit his monthly attendance report to the Superintendent of Police, Buxar.

(Purnendu Singh, J)

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