

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69559 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- KHARHAGPUR District- Munger

Susmit Kumar Sah @ Bittu @ Susmit Kumar @ Bittu Sah Son of Sudhir Prasad Sah Resident of Village - Badi Mudheri, P.S.- Kharagpur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-10-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Kharagpur P.S. Case No. 260 of 2020 registered for the offence under Sections 25(1-A), 25(1-AA), 25(1-B)A, 26(i), (26)(ii) and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 04.10.2021.

The allegation against the petitioner is to involve in illegal manufacturing of fire arms, along with other co-accused persons/family members, wherein 10 partly constructed pistol,



one Carbine, etc., were recovered from the house.

Learned counsel appearing on behalf of the petitioner submitted that the thrust of allegation is available against co-accused Saurabh Kumar Sah, who is the brother of the present petitioner, where petitioner has been implicated only being the brother of main co-accused. It is further pointed out that compliance of Section 100(4) of the Cr.P.C. was not made in present case, while searching the house. It is also submitted that entire seizure list is disputed, as same is not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the thrust of allegation is available against co-accused Saurabh Kumar Sah, who is the brother of this petitioner coupled with the fact that petitioner is in custody since 04.10.2021, charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kharagpur P.S. Case No. 260 of 2020 on furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties
of the like amount each to the satisfaction of learned 7th
Additional Sessions Judge, Munger/concerned court, subject to
the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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