

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71218 of 2021**

Arising Out of PS. Case No.-83 Year-2021 Thana- PHULWARIA District- Begusarai

Sunil Rai Alias Sunil Kumar Rai Son Of Ram Kumar Ray @ Ram Ray
Resident Of Villaage - Chakbali, P.S.- Matihani, District- Begusarai
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-06-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in
connection with Phulwariya P.S. Case No. 83 of 2021 registered
for the offences punishable under Sections 25(1-b)a/26, 35 of
Arms Act. He has remained in custody since 25.05.2021. He has
got one criminal antecedent in which he is said to be on bail

Learned counsel for the petitioner submits that while
the informant was on patrolling duty got secret information that
members of notorious Vikky Kumar Gang are on way through
motorcycle. The informant was proceeding for necessary action
then he noticed two persons riding on motorcycle and on seeing



the police they started escaping after leaving the motorcycle but they were apprehended on chase who disclosed their name as Sunil Kumar (the petitioner) and Nitish Kumar. On search one loaded country made pistol has been recovered from each of them. It is stated that co-accused Nitish Kumar claimed that the motorcycle belongs to him.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that for alleged recovery of one loaded country made pistol the petitioner is in custody since 25.05.2021.

Learned counsel submits that the presence of the petitioner may be secured in course of trial.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has remained in custody in connection with this case since 25.05.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the



satisfaction of learned A.C.J.M.-I, Begusarai in connection with Phulwariya P.S. Case No. 83 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

