

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.165 of 2022**

Arising Out of PS. Case No.-391 Year-2021 Thana- RAJAON District- Banka

Sonu Kumar, Son of Bhagirath Yadav, R/O Village- Kathahatar, P.S.- Rajoun,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 14-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Rajoun P.S. Case No. 391 of 2021 registered
for the alleged offences under Sections 25 (1-B)a and 26 of the
Arms Act.

As per prosecution case, a loaded country made pistol
along with one live cartridge has been recovered from the
petitioner when he was apprehended by the police personnel.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case due to ill motive of the police personnel. There is no eye



witness in the case except the police constable. Seizure list has no independent witness and it creates doubt over the prosecution case. The learned counsel further submits that the petitioner is in custody since 15.10.2021. The charge sheet has been submitted. The learned counsel further submits that a supplementary affidavit has been filed wherein the criminal antecedent of the petitioner has been mentioned.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner has got a number of criminal cases pending against him.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 391 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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