

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.823 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- SONBERSA District- Sitamarhi

BHARAT KUMAR S/O Ram Narain Mahto R/O Village- Chilri, Ward No-06, P.S- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 3155 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- SONBERSA District- Sitamarhi

Chintu Kumar @ Suman Kumar @ Chintu Mahto @ Suman Son Of Krishna Prasad @ Krishna Mahto R/O Village- Chilri, Ward No.6, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 3405 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- SONBERSA District- Sitamarhi

RAJESH KUMAR @ RAJESH PURVE Son of Chandeshwar Purve R/v- Chilri, Ward No. 6, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 823 of 2023)
For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP
(In CRIMINAL MISCELLANEOUS No. 3155 of 2023)
For the Petitioner/s : Mr.Ayush Kumar, Advocate
For the Opposite Party/s : Mrs.Pushpa Sinha, APP
(In CRIMINAL MISCELLANEOUS No. 3405 of 2023)
For the Petitioner/s : Mr.Ayush Kumar, Advocate
For the Opposite Party/s : Mrs.Pushpa Sinha,APP



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State in these applications.

The petitioners seek bail, who are in custody since 27.09.2022 in connection with Sonbarsa P.S.Case No.342 of 2022, F.I.R. dated 26.09.2022 registered for the offence punishable under Section 399,402 of the Indian Penal Code and Sections 25(1-b),26 and 35 of Arms Act.

The case relates to recovery of one country made pistol and two live cartridges from possession of co-accused, namely, Shekhar Suman @ Sikku and one live cartridge and one knife from possession of another co-accused, namely, Sant Ram.

Learned counsel appearing for the petitioners submits that petitioner-Bharat Kumar has clean antecedent, petitioner-Chintu Kumar carries one more case and petitioner Rajesh Kumar @ Rajesh Purve carries three more cases other than the present one and they have falsely been implicated in the present case mainly on the basis of suspicion. Further submits that it appears from the FIR that nothing incriminating article has been recovered from conscious possession of the petitioners rather the recovery has been made from possession of co-accused,



namely, Shekhar Suman @ Sikku and another co-accused, namely, Sant Ram and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 27.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S.Case No.342 of 2022, with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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