

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21701 of 2023**

Arising Out of PS. Case No.-390 Year-2022 Thana- SONBERSA District- Sitamarhi

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Pintu Rai @ Pintu Kumar, Male, aged about 25 years, S/O Ram Swaroop Rai
@ Ramswarup Ray R/O Village- Dalkawa, P.S- Sonbarsa, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sonbersa P.S. Case No. 390 of 2022 dated 27.10.2022, instituted for the offences punishable under Sections 414 of the Indian Penal Code and 25(1-b)a, 26/35 of Arms Act.

3. The prosecution case, in short, is that on 27.10.2022 at 5:20 pm, the informant got information regarding the whereabouts of a wanted criminal of another case and went on the spot to apprehend him. On seeing the police, the petitioner and other co-accused tried to run away but they were caught. It is alleged that one-loaded country-made pistol and Aadhaar Card was recovered from possession of co-accused but



nothing was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that on perusal of the seizure list it is apparent that nothing has been recovered from the possession of the petitioner. A countrymade pistol and some other articles have been recovered from the possession of co-accused, Suraj Kumar. Lastly, it has been submitted that the petitioner is in custody since 28.10.2022 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sitamarhi in Sonbersa P.S. Case No. 390 of 2022.

7. Learned court below is directed to verify the criminal antecedents of the petitioner before releasing him on bail as it has been stated and pleaded that the petitioner has no criminal antecedents. If any criminal antecedents of the petitioner is found, the petitioner shall not be released on bail



and the prayer of the petitioner for bail shall be treated as stands
rejected.

(Khatim Reza, J)

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