

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27413 of 2023**

Arising Out of PS. Case No.-1025 Year-2021 Thana- NAGAR District- Vaishali

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SUJEET KUMAR @ THAPACHI SON OF BASUEO RAI @ VASUDEO
RAY R/O VILLAGE- CHAKSAKRA, P.S.- HAJIPUR SADAR, DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 1025 of 2021 registered for the offence under
Sections 413, 414, 34 of the Indian Penal Code 25(1-b)a, 26, 35 of
the Arms Act.

4. The accused/petitioner is named in the F.I.R. and is in
custody since 21.12.2021.

5. The allegation against the petitioner is to have in
possession of country made pistols alongwith two live cartridges
alongwith other co-accused persons.

6. Learned counsel appearing on behalf of the petitioner



submitted that two separate case were lodged against this petitioner, while apprehended with co-accused persons one for carrying 10.440 Kg of Ganja and second for possession of firearms. It is submitted that petitioner has already granted bail for offence alleged under N.D.P.S. Act for which a separate Nagar P.S. Case No. 1026 of 2021 was lodged, where he is on bail. It is submitted that in this case apparently, as per seizure list the firearms were recovered from co-accused, namely, Rakesh Kumar and not from this petitioner. While concluding the argument, it has been submitted that petitioner found involved in twenty five more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged firearms not appears to be recovered from possession of this petitioner, rather from co-accused Rakesh Kumar, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.12.2021, accordingly, above named petitioner is directed to be released on bail in connection with Hajipur Town P.S. Case No. 1025 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand



only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That the petitioner shall not involve in any nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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