

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30926 of 2023

Arising Out of PS. Case No.-560 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

Sunny Kumar @ Sunny Kumar Tiwari @ Sunny Kumar @ Son of Upendra
Tivari Resident of Village- Chhapra Bahas, Ps- Sugauli Distt- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Sahebganj P.S. Case No. 560 of 2022 G.R. No. 4482/22
registered for the offence under Section 399, 402 of the Indian
Penal Code and 25(1-b)A/26/35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.12.2022.

The allegation against this petitioner is to have in
possession of one country made pistol alongwith three live



cartridges.

Learned counsel appearing on behalf of the petitioner submitted that it is appeared from the seizure list that alleged firearms were not recovered from the conscious physical possession of this petitioner. It is also submitted that seizure list is appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking note of the nature of allegation, where seizure list is not supported by independent witnesses, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 04.12.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Sahebganj P.S. Case No. 560 of 2022, G.R. No. 4482/22 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate 1st Class, (West)
Muzaffarpur/concerned Court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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