

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38830 of 2022

Arising Out of PS. Case No.-154 Year-2022 Thana- GARDANIBAG District- Patna

SONU @ RAKESH KUMAR @ RAKESH KUMAR SONU @ SONU
JAMUI Son of Anil Ram Resident of Village - Tal Saharsa, P.s.- Sikandra ,
Distt.- Jamui, Present Address- Panchvati Nagar Near Samudayik Bhawan,
Renter in the House of Pahalwan Ji, P.s.- Bahadurpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.

MR. Nityanand Kumar

For the Opposite Party/s : Mr.A.P.P..

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

11 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 414, 411 of the Indian Penal Code and sections 25 (1-b)a, 26 and 35 of the Arms Act.

3. Prosecution case relates to gathering of antisocial elements for hatching a conspiracy. Acting on a tip off, police party proceeded towards the place of occurrence and apprehended the petitioner and on search one country made pistol, two live cartridges, one magazine of country made pistol, two mobile phones, laptop, motorcycle and other incriminating articles were recovered from possession of the petitioner.

4. It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. Petitioner and the seized items were not put on TIP. This fact is not established that the alleged recovered motorcycle and laptop is stolen one and in this respect no complain was lodged earlier. This case is triable by learned judicial magistrate. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Petitioner is languishing in judicial custody since 24.3.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ACJM XIV, Patna in connection with Gardanibag P.S. Case No. 154 of 2022.

(Sunil Kumar Panwar, J)

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