

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49388 of 2023

Arising Out of PS. Case No.-737 Year-2022 Thana- WAJIRGANJ District- Gaya

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Sujeet Kumar @ Vicky Kumar Son of Umashankar Yadav Resident of village
- Tarwan, P.S. - Wazirganj, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Deep Nishi, Advocate
	Mr. Rajesh Kumar, Advocate
	Mr. Anshu Kumar, Advocate
For the Opposite Party/s :	Mr. Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2023 Heard the learned counsel for the petitioner and

the State.

2. The present petition has been filed on behalf of

the petitioner, apprehending his arrest, in connection with

Wazirganj P. S. Case No. 737 of 2022, registered for the

offences punishable under Section 290 of the Indian Penal

Code and Sections 27 and 35 of the Arms Act, 1959.

3. The prosecution story in brief is that petitioner

was seen showing a country made pistol in a dance

programme organized on the occasion of reception of

nephew of Ramashankar Yadav, who is husband of Mukhiya,

Manju Devi.



5. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the case is based only on suspicion. He also submits that no illegal arms have been recovered from the conscious possession of the petitioner. He further submits that F.I.R. has been lodged after a delay of 18 days. He also submits that the CCTV footage in which the petitioner was seen showing country made pistol is not original but is a dubbed one.

6. It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioner either before this Court or before Hon'ble Apex Court.

7. It has further been stated that the petitioner has been made accused in one more case.

8. However, the learned APP for the State has opposed the prayer for bail.

9. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M., Gaya, in connection with Wazirganj P. S. Case No. 737 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

10. The application stands allowed accordingly.

11. The learned counsel for the petitioner is



directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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