

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59223 of 2022

Arising Out of PS. Case No.-355 Year-2022 Thana- BARH District- Patna

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SUMIT KUMAR S/o Nawal Kishore Singh R/v- Dahaur, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 25(1-b)a, 26 and 35 of the Arms
Act.

The case relates to recovery of one country made
pistol loaded with six live cartridges and four mobile phones
along with a Baleno car from the possession of the petitioner
and others.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that it appears
from the seizure list that only one mobile phone has been



recovered from the possession of the petitioner and no arms as alleged in the F.I.R. has been recovered from the exclusive possession of the petitioner rather the seized arms have been recovered from the possession of the co-accused, Chandan Kumar. He further submits that no case attracting the provisions of Arms Act is made out against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Chandan Kumar has already been granted bail by this Bench vide order dated 07.02.2023 passed in Cr. Misc. No. 58929 of 2022. The petitioner is rotting in judicial custody since 10.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Barh P.S. Case No. 355 of 2022 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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