

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63847 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- GARDANIBAG District- Patna

SONU JAMUI @ SONU @ RAKESH KUMAR @ RAKESH KUMAR
SONU Son of Anil Ram R/o- Tal Saharsa, P.S.- Sikandra, Distt.- Jamui,
Permanent 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. Nityanand Kumar, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.04.2022 in connection with Gardanibagh P.S. Case
No.127/2022, F.I.R. dated 07.03.2022, for the offences
punishable under Sections 25(1-b)a, 26 and 35 of Arms Act.

According to prosecution case, during patrolling duty,
one co-accused, namely, Alok Kumar was apprehended by the
informant and on search, one country made pistol, mobile etc
were recovered from his possession.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the name of the petitioner was incorporated



in the F.I.R. on the basis of confessional statement of the co-accused, namely, Alok Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner was in custody in connection with Gardanibagh P.S. Case No. 154/2022 and he was remanded in the present case on 21.04.2022. He further submits that no case is made out under the Arms Act against the petitioner and similarly situated co-accused, namely, Alok Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 13.10.2022 passed in Cr. Misc. No.40418/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.04.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries sixteen criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in 12 cases out of 16 cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned A.C.J.M.-
XIV, Patna in connection with Gardanibagh P.S. Case
No.127/2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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