

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66501 of 2022

Arising Out of PS. Case No.-268 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

Sumit Kumar @ Gorakh Kumar Singh Son Of Manlal Singh @ Shiv Mangal
Singh Resident Of Village- Pakari, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 25(1-b)a, 26 of the Arms
Act.

According to prosecution case, one country made
pistol and 8 live cartridges have been recovered from the
possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that the petitioner was made an accused in Ara



Mufassil P.S. Case No. 258 of 2022 and on the basis of the said case, the present F.I.R. is instituted against the petitioner bearing Ara Mufassil P.S. Case No. 268 of 2022. He further submits that it appears from the F.I.R. as well as seizure list that one country made pistol and 8 live cartridges have been recovered from the possession of the petitioner. He further submits that the petitioner has been granted bail in Ara Mufassil P.S. Case No. 258 of 2022. The petitioner is in custody since 16.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Court below where the case is pending in connection with Ara Mufassil P.S. Case No. 268 of 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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