

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70851 of 2023**

Arising Out of PS. Case No.-155 Year-2023 Thana- SONBERSA District- Sitamarhi

Sushil Kumar @ Bigan Kumar S/O Lalit Mahto R/O Village- Arariya, P.S.-  
Kanhauli, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      07-11-2023                      Heard   Mr.Santosh Kumar, learned counsel for the  
  
petitioner and Mr.Ramchandra Sahni, learned Additional Public  
  
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sonbarsa P.S.Case No.155 of 2023, FIR dated 25.04.2023 registered for the offences punishable under Sections 25(1-B)a,26,35 of the Arms Act.

3. The case relates to recovery of one country made pistol and one live cartridge.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of the disclosure made by co-accused person, namely, Niraj Kumar. Further submits that from a bare perusal of the FIR as well as the



seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the shop of co-accused person, namely, Niraj Kumar and Niraj Kumar has disclosed that he has received the cartridge from the petitioner.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, name of the petitioner has been transpired on the basis of the disclosure made by co-accused person, namely, Niraj Kumar and nothing has been recovered from conscious possession of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate-1st Class, Sitamarhi in connection with Sonbarsa P.S.Case No.155 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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/her 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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