

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70795 of 2022

Arising Out of PS. Case No.-329 Year-2022 Thana- NOKHA District- Rohtas

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Sintu Kumar, S/O Mahendra Singh, Resident of village- Delhua, P.S.-
Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Nokha (Dharampura) P.S. Case No. 329 of 2022, registered for the alleged offences under Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, during police checking, two persons tried to flee away but they were apprehended along with their motorcycle and petitioner is one of the apprehended persons. From this petitioner, recovery of two live cartridges and one misfired cartridge were made. From the co-accused, a country made pistol with two live cartridges and one empty cartridge were recovered.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner. Moreover, in absence of any firearm the recovered cartridges were useless. Learned counsel further submits that there is non-compliance of Section 100 of Cr.P.C. regarding seizure. The co-accused, from whom recovery of firearms and ammunitions were made, has been granted bail by a Co-ordinate Bench of this Court vide order dated 14.03.2023 passed in Cr. Misc. No. 68987 of 2022. Petitioner is in custody since 18.08.2022 and the charge-sheet has been submitted in this case. Petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Rohtas at Sasaram in connection with Nokha (Dharampura) P.S. Case No. 329 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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