

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73641 of 2022

Arising Out of PS. Case No.-755 Year-2022 Thana- PHULWARISHARIF District- Patna

SONU KUMAR Son of Shiv Kumar Sharma @ Khalifa R/V- Bhabhanpura,
P.S- Phulwarisharif Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Phulwarisharif (Janipur) P.S. Case No. 755 of 2022 dated
01.07.2022 registered for the offence under Sections 342,
394/34 of the Indian Penal Code and Section 25(1-b)a and
35 of the Arms Act.

The petitioner along with another co-accused are
said to have been apprehended by the police having
unlawful possession of one country made pistol along with
one live cartridge while they were snatching mobile and
cash of Rs. 5000/-from the informant.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case on basis of suspicion. He further submits that on bare persual of the F.I.R. and the seizure list, it appears that one country made pistol along with one live cartridge have been recovered from the possession of the petitioner. He further submits that there is non-compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 02.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one but on the basis of impugned order he fairly submits that the petitioner is all along on bail in all cases.

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 A.C.J.M.-XIV, Patna in connection with Phulwarisharif (Janipur) P.S. Case No. 755 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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