

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12543 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- PURNEA SADAR District- Purnia

Sajan Kumar S/o Late Chandeswari Mehta R/o Vill - Gamail, P.S. - Biharigan,
Dist. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Bidhu Ranjan, Advocate
For the State : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Purnia
(Sadar) P.S. Case No. 49 of 2023 instituted for the offence under
Sections 399 & 402 of the Indian Penal Code and Sections 25(1-
B), 26 & 35 of the Arms Act.

3. Prosecution case in a nutshell is that there is
recovery of one country made pistol and one mobile phone from
the possession of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 11-10-2023. Petitioner
bears one criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Charge sheet has already been submitted in this case. Other co-accused has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 24-06-2023, passed in Cr. Misc. No. 36027 of 2023. There is no compliance of Section 100 of the Cr.P.C.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Purnia (Sadar) P.S. Case No. 49 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on



two consecutive dates, the Trial Court will have liberty to
cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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