

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19115 of 2024**

Arising Out of PS. Case No.-346 Year-2023 Thana- KASIMBAZAR District- Munger

Sonu Kumar @ Sonu Son of Subodh Pathak, Resident of Village- Fardadih
Tola, PS- Naya Ramnagar, Distt- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. State

Appearance:

For the Petitioner	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Md. Shakir Ahmad, APP

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

2 18-04-2024 Heard Mr. Ashok Kumar Jha, the learned counsel for
the petitioner and Mr. Md. Shakir Ahmad, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kasim Bazar PS Case No. 346 of 2023, FIR dated
09.11.2023, registered for the offences punishable under Sections
25(1-b)a, 26(i)(ii) and 35 of the Arms Act.

3. According to prosecution case, while the informant
was on patrolling duty, he saw an Alto car near Town High School
and one person who was standing near that car upon seeing the
informant flew away. It is further alleged that police party
apprehended two persons who were sitting in the car and from one
person namely, Nishant Kumar @ Babble forty live cartridges and
one mobile was recovered and from second person namely, Amit
Kumar one pistol with magazine was recovered and the



apprehended persons disclosed the name of the fleeing person as Sonu.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the name of the petitioner has transpired on the basis of disclosure made by accused persons namely, Amit Kumar and Nishant Kumar. He lastly submits that it appears from the seizure list itself that arms have been recovered from the vehicle in question, which belongs to Nishant Kumar.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and name of petitioner has transpired on the basis of disclosure made by co-accused persons, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Munger,



where the case is pending in connection with **Kasim Bazar PS Case No. 346 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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