

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41157 of 2024

Arising Out of PS. Case No.-501 Year-2023 Thana- RIGA District- Sitamarhi

Sundan Kumar @Sunandan Kumar S/O Kambhoo Mandal R/O Village Harpurwa Got, P.S. Bajpatti, Distt-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2024 Heard Mr. Surendra Kishore Thakur, learned counsel for the petitioner and Mr. Narendra Kumar Singh, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 10.12.2023 in connection with Riga P.S. Case No. 501 of 2023, F.I.R. dated 09.12.2023 for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to prosecution case, informant got secret information that some miscreants are planning to loot operator of CSP and on this information the informant along with police party went there and three persons apprehended including this petitioner and on search one country made loaded pistol, one motorcycle, Rs. 4,000/- cash and one mobile phone was



recovered form the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that one country made loaded pistol, one motorcycle, Rs. 4,000/- cash and one mobile phone was recovered form the conscious possession of the petitioner. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and no case is made out under Sections 399 and 402 of the Indian Penal Code against this petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.12.2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-VI, Sitamarhi in connection with Riga P.S. Case No. 501 of 2023, subject to the 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 absence on two consecutive dates without sufficient reason, his 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 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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