

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71484 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- SISWAN District- Siwan

Sumit Sah Son of Late Bachcha Sah Resident of Village- Kachnar, P.S.-
Siswan, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has filed the instant application for
grant of regular bail in a case registered for the offences
punishable under Sections 25(1-b) a/26/35 of Arms Act.

3. Prosecution case in nutshell is that on receiving the
secret information of gathering of four miscreants, informant
being a police official rushed to the spot. Miscreants tried to flee
away. Out of them, three (including the petitioner) were
apprehended and one managed to escape. On search, two live
cartridges and one mobile phone are alleged to have been
recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in the



present case. Petitioner has no any concern either with the other apprehended co-accused persons or with the recovered incriminating article. Proper procedure of search and seizure has not been followed as there is no any independent witness of the alleged seizure. It is further submitted that chargesheet has been submitted in this case. Moreover, the petitioner is languishing in judicial custody since 05.06.2024.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Since the petitioner is in custody since 05.06.2024 and there is one criminal case pending against him in which he is on bail and one co-accused Arjun Ram has been granted bail by this Bench vide order dated 17.10.2024. Keeping in the view the aforesaid facts and circumstances let the petitioner, above named, 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 learned Chief Judicial Magistrate, Siwan in connection with Siswan P.S. Case No. 190 of 2024, subject to following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner.

(ii) the petitioner shall appear on each and every



date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(S. B. Pd. Singh, J)

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