

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71586 of 2024

Arising Out of PS. Case No.-204 Year-2024 Thana- BARAUNI District- Begusarai

Sandeep Kumar Son of Deepak Singh Resident of Village - Bihat Gurudaspur,
Ward No.11, P.S. - Barauni, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.
Mrs. Namita Sharma, Adv.
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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

ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner is directed to
make necessary correction in the provision portion of the bail
petition in course of the day.

3. The petitioner seeks bail in connection with Barauni
P.S. Case No. 204 of 2024 instituted for the offences under
Sections 25 (1-b)A, 26 of the Arms Act.

4. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence. On
seeing the police-party, the petitioner tried to flee away from the
there but, was caught by the police and, on his disclosures, the
police recovered five live bullets of 0.315 bore from the



accessories shop situated beside the shop of the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that the petitioner is not arrested on spot and nothing incriminating has been recovered from his conscious possession. There is no any independent eye-witness to the alleged occurrence. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature and the police has implicated the petitioner in the present case taking advantage of the criminal antecedent of the petitioner. The petitioner has eight criminal antecedents and, in all of them, he is on bail. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 02.07.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner,



let the petitioner, abovenamed, 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 Barauni P.S. Case No. 204 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

