

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81694 of 2024

Arising Out of PS. Case No.-232 Year-2024 Thana- BAHERI District- Darbhanga

Sonu Kumar S/O Anil Paswan R/O Village- Patasa, P.S- Hasanpur, Distt.-
Samastipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Baheri P.S. Case No. 232 of 2024 for the offence punishable under Sections 310(4), 310(5) of the B.N.S. & section 25(1-B)(a), 26 & 35 of the Arms Act lodged on 08.07.2024 by the informant, Barun Kumar Goswami.

3. As per the FIR, the Police during the vehicle checking, intercepted a motorcycle with three riders on it. They gave their names and the recovery/seizure is made as follows:

(i) Sonu Kumar-mobile/live
cartridges;

(ii) Raoushan Kumar – mobile;

(iii) Chandan Kumar- live



cartridge and mobile.

4. As they failed to produce any paper, the arrest.

5. Chandan Kumar informed that while cartridges are with him, the pistol is with Ranjeet Kumar who is coming alongwith two other associates towards Samastipur.

6. Thereafter, the patrolling continued and another motorcycle was intercepted and there is recovery/seizure against those apprehended were:

(iv) Saintish Kumar- mobile'

(v) Sonu Kumar son of Anil Paswan (the petitioner herein)- mobile-live cartridge;

(vi) Ranjeet Kumar – loaded pistol.

7. This led to the FIR.

8. Learned counsel for the petitioner submits that he is Sonu Kumar son of Anil Paswan and though has criminal antecedent, the Police has forced these live cartridges in his pocket which resulted into his custody since 08.07.2024 (para-12 of the petition).

9. Learned APP opposes the prayer submitting that he has criminal antecedent.



10. Considering the aforesaid facts, though the petitioner has criminal antecedent and there is also recovery/seizure, is only 20 years of age, student, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

11. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-VII, Darbhanga, in connection with Baheri P.S. Case No. 232 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(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 appear before the concerned police station every month for next one year to mark his attendance;

(iv) 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;

(v) 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.

(Rajiv Roy, J)

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