

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82992 of 2024

Arising Out of PS. Case No.-225 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Sumit Giri @ Chhotu Son of Naresh Giri Resident of Village - Bhelaepur ,
Police Station - Kanti , District - Muzzafarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Patori P.S. Case No.
225 of 2024, instituted for the offences punishable under
Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, there is
recovery of one country made pistol, one live cartridge along
with one mobile phone from the possession co-accused Avinash
Kumar and one misfired cartridge along with one mobile phone
have been recovered from the possession of co-accused Sanjeev
Kumar.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused Avinash Kumar and Sanjeev Kumar and the same has got no evidentiary value. The petitioner is in custody since 08.07.2024 and has got one criminal antecedent in which he is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 18.11.2024 passed in Cr. Misc. No. 79891 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with Patori P.S. Case No.
225 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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

