

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2890 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- SHAMBHUGANJ District- Banka

Vishwajeet Kumar Umesh Kumar Sah Resident of araji karsop, P.S
Shambhuganj, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Raj, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal (APP-63)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Shambhuganj P.S. Case No. 268 of 2023, lodged on 28.09.2023
under Sections 25(1-b)a/26/35 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against 2 named accused persons including the present
petitioner. Two live cartridges have been recovered from the
possession of the petitioner which is the subject matter of the
present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the antecedent of the petitioner is clean and he
is in custody since 29.09.2023.



5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that arms have been recovered from the possession of the petitioner and the petitioner is in custody since four months only.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 268 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;



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

(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 the bail bonds.

(Dr. Anshuman, J.)

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