

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9543 of 2016

Arising Out of PS.Case No. -97 Year- 2015 Thana -DHANSOI District- BUXAR

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1. Dinesh Sharma Son of Sipahi Sharma resident of village - Mahariyan,
Police Station - Dhansoi, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Opposite Party/s : Mr. Ataur Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

5 18-05-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 25 (1-B) a, 26 and 35 of the Arms Act.

Allegedly, from the house of the petitioner after
search two country made kattas, two country made kattas in
damaged condition, parts of the rifle, live cartridges and tools for
manufacturing the fire arm were recovered, as per the seizure list,
and the petitioner, his father and his brother were arrested.

Submission is of false implication and that there is no
eye witness of the alleged search and seizure, there is no signature
of the petitioner nor any one present there on the seizure list and
without any recovery the petitioner is suffering in custody since

30.09.2015, other co-accused, namely Sipahi Sharma and Bharat Sharma have already been allowed bail and as such the petitioner also deserves sympathetic consideration as he has got clean antecedent.

The learned A.P.P. fairly submits that on the seizure list there is no signature of the petitioner or his family members.

In the facts and circumstances as stated above, the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Buxar in Dhansoi P.S. Case No. 97 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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