

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2562 of 2017

Arising Out of PS.Case No. -49 Year- 2016 Thana -PURANHIA District- SHEOHAR

Vijay Kumar @ Vijay Jha son of Srikant Jha, R/o Punaura, P.S.- Sitamarhi,
District- Sitamarhi Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Sri Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 04-02-2017

Heard learned Sr. Counsel for the petitioner and learned

counsel representing the State.

The petitioner seeks bail in connection with Purnahiya P.S. Case No. 49 of 2016 registered for the offences punishable under Sections 25(1-b)a, 25(1-A), 26 (II)/35 of the Arms Act.

Allegedly, the informant being Police Officer arrested one Mukesh Pathak in another case and he made confessional statement about lying of illegal weapons in the house of Sanjay Jha, Vijay Kumar Jha and Aditya Kumar Trivedi. The Police are said to have conducted raid in the house of accused persons, from the house of petitioner one pistol and cartridges were recovered and for that case was lodged vide Sitamarhi P.S. Case No. 448 of 2016 dated 14th July, 2016 and in this case AK 56 Rifle was recovered with 25 cartridges from the house of Sanjay Jha and Sanjay Jha disclosed that the petitioner and Aditya Kumar Trivedi have given this arms.



Submission is of false implication and that nothing has been recovered in this case from the house of the petitioner, such recovery was made from the house of Sanjay Jha, the petitioner is in custody since 28.07.2016, co-accused Aditya Kumar Trivedi has been allowed bail vide Cr. Misc. No. 48017 of 2016 and as such the petitioner also deserves sympathetic consideration.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that in this case there is no recovery from possession of the petitioner rather the recovery is from the house of co-accused Sanjay Jha, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sheohar in connection with Purnahiya P.S. Case No. 49 of 2016, 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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