

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25273 of 2017

Arising out of PS.Case No. -289 Year- 2016 Thana -MUNGER MUFFASIL District- MUNGER

=====

Bijay Sharma, Son of Rameshwar Sharma, Resident of Village-Mai Pirpahar, P.S. Munger Muffasil, District-Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-06-2017 Heard Shri Ajit Kumar Singh, learned advocate appearing on behalf of the petitioner and Shri Chaubey Jawahar, the learned APP for the State.

The petitioner is seeking regular bail in connection with Munger Muffasil P.S. Case No. 289 of 2016 registered under sections 25(1-A), 25(1-AA), 25(1-b)A, 25(1-AC) and 26(i) (ii) of the Arms Act.

The prosecution case as alleged in the First Information Report shows that the patrolling party from Muffasil Police Station, Munger had some secret information that the petitioner is manufacturing illegal arms at Mai Pirpahar and on the basis of said information a raid was conducted and the petitioner was arrested along with seized articles.



The learned counsel submits that the petitioner has been falsely implicated as the petitioner is keeping most of the articles shown in the seizure list by virtue of his profession / occupation. He further submits that the petitioner is in custody since 28.12.2016 and a charge sheet has been submitted recently on 21.2.2017. He further submits that the seizure list witnesses are not independent as they are the two constables who have been part of the raiding team.

The learned APP opposed the prayer for bail and submits that the petitioner does not deserve the privilege of bail. He further points out that the petitioner is involved in Munger Muffasil P.S. Case No. 180 of 2007 for the offences under section 379, 411, 427, 420/34 of the Indian Penal Code and Sections 42 and 42 of the Forest Act.

On this, learned counsel for the petitioner submits that in the said case the petitioner is on bail and the trial is pending.

Considering the facts and circumstances of the case particularly that the petitioner is in custody since 28.12.2016 and the investigation is already over as the charge sheet has been submitted by the Police, let the petitioner, namely, Bijay Sharma be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the



satisfaction of the Chief Judicial Magistrate, Munger in connection with Munger Muffasil P.S. Case No. 289 of 2016; subject to the condition that one of the bailors will be a family member having no criminal antecedent and the petitioner shall present himself in the Police Station before the Officer In-charge once in a month as and when called for till the conclusion of trial.

(Rajeev Ranjan Prasad, J)

S.Sb/-

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

