

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42191 of 2017

Arising Out of PS.Case No. -55 Year- 2017 Thana -JAMALPUR District- MUNGER

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Uttam Sharma Son of Anil Kumar Sharma, R/o Village- Mania Chauraha
Chowk, P.S.- Kasim Bazar, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Panch Nand Pandit, APP.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
05.05.2017 in connection with Jamalpur P.S. Case No. 55 of 2017
for offences punishable under Sections 25 (1) (a)/25 (1-B) a/25 (1-
B) c/26(1) (2) and 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that during course of checking of vehicle the tempo
was searched and from the possession of the petitioner one
country made pistol and five live cartridges were recovered. From
the possession of other co-accused also arms and ammunitions
were recovered. Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent and bears no criminal history although earlier on the same date one Ranga P.S. Case No. 32 of 2017 had been lodged at a different place in which he has been made accused. He submits that Section 100 of the Cr.P.C. has not been complied while preparing the seizure list and that one of the co-accused in whose possession arms and ammunitions were recovered has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 41004 of 2017 on 19.09.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Munger in connection with Jamalpur P.S. Case No. 55 of 2017, subject to the conditions that:



- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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