

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29163 of 2018

Arising Out of PS.Case No. -23 Year- 2018 Thana -MASRAKH District- SARAN

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Bachan Sharma @ Bachan Thakur S/o Late Bhagrashan Sharma, R/o Vill.-
Kishunpura, Mathia, P.S.- Mashrak, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
05.02.2018 in connection with Mashrak P.S. Case No. 23 of 2018
for offences punishable under Sections 25(1-b)a/26/35 of the
Arms Act.

The prosecution case, as lodged by the police
personnel, is that on information that one person is arriving at
Mashrak Block to sell arms and ammunitions, he formed a team
and apprehended the petitioner from whose possession two
country made pistol and four live cartridges were recovered. On
further raid of his house, three country made pistol and six live



cartridges along with a number of articles for making of country made pistol was recovered. Accordingly, two seizure lists were prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history is an old man of 65 years and that no overt act has been alleged to have been committed. 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 stating therein that large number of arms and ammunitions have been recovered from his possession and from his house.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of nine months in custody 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-VIth, Saran in connection with Mashrak P.S. Case No. 23 of 2018, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable



property, who will file an affidavit stating his relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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