

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2252 of 2019

Arising Out of P.S. Case No.-117 Year-2018 Thana- PASRAHA District- Khagaria

Bouku Sharma @ Upendra Sharma, (M) aged-58, son of late Bindeshwari Sharma resident of vill- Bari PainKant, P.S.-Pasraha, Dist-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr.Rajeev Nayan, APP- 231

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

17-01-2019

Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 27.09.2018 in connection with Pasraha P.S.Case No.117 of 2018 for the offence alleged under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case as lodged by the informant police personnel is that on secret information that huge quantity of arms and ammunitions are stored in the house of co-accused Shambhu Sada, a raid was conducted and loaded country made pistols and rifle were recovered from the house of the co-accused Shambhu Sada who confessed before the police that the arms and ammunitions belonged to the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated



only on the confessional statement of co-accused before the police which has no evidentiary value in the eye of law. He further submits that the chargesheet has already been submitted and there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in three more cases, two is of similar nature.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Pasraha P.S.Case No.117 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Khagaria subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(ii) 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.

(iii) 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)

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