

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14952 of 2019

Arising Out of PS. Case No.-143 Year-2018 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Kumari Manju Verma @ Kumari Manju Verema @ Manju Verma @ Manju Verema, aged about 57 years, Gender – Female, Wife of Sri Chandra Shekhar Verma R/o village- Arjun Tol, P.O.- Shripur, P.S.- Cheriya Bariyarpur, District- Begusarai. At present residing at 6. Stand Road, P.S.- Sachiwalay, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Singh, Sr. Advocate Mr. Ranjeet Kumar, Advocate Mr. Kundan Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Mishra, APP
For the CBI	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-03-2019 Heard learned Senior counsel for the petitioner,

learned APP for the State and learned counsel for the CBI.

The petitioner is languishing in custody since 20.11.2018 in a case registered for the offences punishable under Sections 25(1-A)/26/35 of the Arms Act.

The prosecution case as per the written report dated 17.08.2018 of Umesh Kumar, Dy. S.P., C.B.I., A.C.B., Dhanbad, submitted to the Station House Officer of Cheriya Bariyarpur Police Station, is to the effect that a search was laid in the residential premises of the husband of the petitioner, namely, Chandra Shekhar Verma in connection with CBI Case No. RC



01(s) of 2018 when 50 live cartridges of different bore, i.e., 15 live cartridges of .323 bore, 10 live cartridges of 8MM KF bore, 19 live cartridges of 7.62 bore and 6 live cartridges of .303 bore, were recovered from a steel trunk kept in a room of the house of the petitioner.

It is submitted by learned Senior counsel for the petitioner that the premises in question is still recorded in the records of right in the name of late Chaman Mahto, the great grandfather of the husband of the petitioner. The genealogical table given in the petition suggests that at least there are fifty co-sharers who have the claim over the property in question. During investigation, not a single witness suggested that the petitioner used to reside in the house in question, hence recovery cannot be treated from the possession of the petitioner. Moreover, even assuming the recovery, it does not constitute any offence under the provisions of the Arms Act against the petitioner. The petitioner was elected Member of Bihar Legislative Assembly twice and was a Cabinet rank minister in the present State Government before lodging of the present case. The investigation has been concluded though the petitioner has been chargesheeted. It is further submitted that the petitioner is a lady and statement has been made in paragraph 3 of the



petition that the petitioner is not having any criminal antecedent. The petitioner has been roped in the present case due to political overtones.

Mr. Sanjay Kumar, learned counsel for the CBI submits that though the FIR has been lodged by Dy.S.P., C.B.I. but C.B.I. is only the informant. The case is being investigated by the Bihar Police, hence, learned APP concerned will assist the Court.

Mr. Ajay Mishra, learned APP, the counsel for the State submits that a huge quantity of live cartridges were recovered from the house of the petitioner's husband. Moreover, the petitioner was a Minister in the State Government, hence, such a conduct on her part is not condonable since no authorization for keeping huge quantity of ammunition has been produced on her behalf. It is further submitted that the raid was laid in connection with RC case which relates to the physical misuse of juveniles in conflict with law and other children as well as misuse of huge public fund in a Shelter Home at Muzaffarpur. On appropriate material being collected during investigation, the final report has been submitted and the petitioner has been chargesheeted.

Considering the rival submissions of the parties, this



Court is dismayed to find that the FIR has been lodged by a Dy. S.P. rank officer of the CBI but neither the narrative of the FIR nor the pleadings in the petition suggests whether the petitioner is accused in the abovementioned RC Case or not. However, from the statement made in paragraph 3 of the petition it appears that the petitioner is not having any criminal antecedent, and the said statement has not been controverted by the learned APP, hence it can safely be inferred that the petitioner is not accused in the above mentioned RC Case lodged by the CBI.

It is the specific case of the petitioner that the premises in question is still recorded in the records of right in the name of Late Chaman Mahto, the great grandfather of the husband of the petitioner and there are at least fifty co-sharers having claim over the premises in question and this fact has not been controverted by the learned APP. However, since the investigation has been concluded and the petitioner has been chargesheeted, all these facts can be looked into during trial.

Considering the admitted fact that the investigation has already been concluded, the petitioner is a lady, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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 Chief Judicial Magistrate,
Begusarai in connection with Cheriya Bariyarpur P.S. Case No.
143 of 2018.

(Dinesh Kumar Singh, J)

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