

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22891 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- HATHAURI District- Muzaffarpur

Rahul Sharma @ Babu Sharma, aged about 42 years, Gender-Male, Son of Surendra Prasad Sharma Resident of Village- Dhanukhi, P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 10-04-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Hathauri P.S. Case No. 15 of 2019 registered under Sections 25(1-b)a, 26/35 of the Arms Act.

One 9mm pistol and 14 live cartridges are said to have been recovered from the open land located behind the house of the petitioner, suspected to have been thrown by the petitioner.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern with the seized articles. He has been falsely implicated in this case



by the S.H.O. P.S. Hatahuri, namely, Rajpat Kumar against whom the father of the petitioner has lodged a complaint case for shoving mother of the petitioner on the ground, resultantly, his mother sustained injury which proved fatal preceding to the occurrence. The place of recovery is open place and easily accessible to all. The seizure list does not bear the signature of the petitioner. There is no compliance of Section 100 Cr.P.C. The petitioner has been languishing in custody since 30.01.2019.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned Sub-Judge-10-cum-A.C.J.M., Muzaffarpur in connection with Hathauri P.S. Case No. 15 of 2019.

(Prakash Chandra Jaiswal, J)

rohit/-

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

