

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26201 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- BIHTA District- Patna

CHIKU KUMAR Son of Upendra Sharma @ Birendra Sharma, Resident of
Village-Korawan,P.S.-Naubatpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
15.01.2019 in connection with Bihta P.S. Case No. 52 of 2019
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 during course of checking, the police officials
found two motorcycles one being ridden by three persons and
other by two persons. While three persons in a motorcycle
managed to flee away, the petitioner along with another were
apprehended. On search from the possession of the petitioner
one country made pistol and two live cartridge and two fired
were found. Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted, there being no allegation of tampering with the prosecution evidence. It is further submitted that no overt act has been alleged against the petitioner and he is languishing in judicial custody since nearly four months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has been made accused in one more case under similar offence although the petitioner submits that in the said case he has not been named in the F.I.R. and was arrested in that case after the present case.

Considering the nature of allegations, period of custody and that the charge-sheet has already been submitted, let the 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 the learned Additional Chief Judicial Magistrate-1, Danapur, Patna in connection with Bihta P.S. Case No. 52 of 2019, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his 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)

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