

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25343 of 2019

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

=====

CHANDRASHEKHAR VERMA Son of Late Sukhdeo Mahto, Resident of
Village- ArjunTol, Post Office- Shripur, Police Station- Cheriya Bariyapur,
District- Begusarai. At present residing at 6, Strand Road, Police Station-
Sachiwalay, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate. Mr. Ranjeet Kumar, Advocate
For the Opposite Party/s :		Mr. Kundan Kumar, Advocate Mr. Ajay Mishra, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 10-07-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Cr. Spl. MA No. 21143**
of 2018 arising out of Cheriya Bariyarpur P.S. Case No. 143
of 2018, instituted for the offence under Section(s) 25(1-A), 26
and 35 of the Arms Act.

The prosecution case as per written report filed by
Dy. Superintendent of Police, CB2/ACB/Dhanbad, before the
SHO Cheriya Bariarpur Police Station, Distt. Begusarai, that a
search was made in the residential premises of this petitioner in
connection with CBI Case No. RC 01(s) of 2018 on the basis of
search warrant dated 16.8.2018 issued by learned Special Judge,



Muzaffarpur, under Section 93 Cr. P.C., On search, total 50 live cartridges of different bore, i.e. 15 live cartridges of .323 bore, 10 live cartridges of 8 MM KF bore, 19 live cartridges of 7.62 bore and 6 live cartridges of .303 bore were recovered from room of the house of the petitioner kept in steel trunk.

Counsel for the petitioner submits that premises in question are still recorded in the records of right in the name of late Chaman Mahto, the great grand-father of the petitioner. The genealogical table suggests that at least there are 50 co-sharers who have claim over the property in question. During investigation, not a single witness suggested that petitioner used to reside in the house in question.

Learned A.P.P. has appeared and submitted that large quantity of live cartridges was recovered from the house of the petitioner. He further submits that raid was conducted in connection with RC Case which relates to the physical misuse of huge public fund in a Shelter Home at Muzaffarpur. He further submits that in paragraph-13 of the case diary it has come that petitioner used to reside in the house and he was doing expansion work in the house.

Having heard both parties, it appears that there is specific allegation against the petitioner that CBI conducted raid



in the residential premises of petitioner in case No. RC 01(s) of 2018 on the basis of search warrant dated 16.8.2018 issued by learned Special Judge, Muzaffarpur, under Section 93 Cr. P.C., and recovered huge quantity of live cartridges kept in steel trunk from room of house of petitioner.

The learned A.P.P. has pointed out paragraph-13 of the case diary wherein the witnesses have stated that the house of petitioner is ancestral house. Petitioner at the relevant time was doing repairing work in the house. The witnesses in paragraphs-6, 7 and 8 have stated that there was recovery of huge quantity of live cartridges from room No. 2 of the house of petitioner kept in steel trunk. The caretaker of the house and the Bodyguard did not produce any paper with respect to aforesaid seized firearms.

The learned A.P.P. has submitted that Police has mentioned in paragraph-90 of the case diary that no villagers become ready to give statement but Police learnt confidentially that petitioner along with his wife used to visit the house and also stayed in the house in the night. The Police also learnt that petitioner is man of criminal antecedent. The Police has mentioned in paragraph-39 of the case diary that petitioner is accused in another case for the offence under Section 395 of the



Indian Penal Code. Charge sheet has also been submitted against him in that case. It is also mentioned in the case diary that as per FSL report firearms recovered were found to be effective.

Therefore, this Court is not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner stands rejected.

(Sanjay Priya, J)

S.Ali/-

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

