

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54226 of 2019

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

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CHANDRASHEKHAR VERMA S/o Late Sukhdeo Mahto @ Sukhdeo
Verma Resident of Village- Arjun Tol, P.O.- Shirpur, P.S.- Cheriya Bariyarpur,
District- Begusarai. At present residing at 6, Strand 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. Yogesh Chandra Verma, Sr. Advocate Mr. Ravindra Kumar Shukla
For the State	:	Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 05-09-2019 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is in custody since 29.10.2018 in
connection with Cheriya Bariyarpur P.S. Case No. 143/2018
registered for the offence punishable under Sections 25(1-A)
26/35 of the Indian Arms Act.

Learned Senior Counsel Shri Y. C. Verma, for the
petitioner submits that the case is being filed renewing the
prayer for bail of the petitioner in view of the fact that on the
earlier occasion, the prayer for bail of petitioner was rejected
vide order dated 10.07.2019 on the premise that the petitioner
was having a criminal antecedent and that the case which was
instituted against him under the Arms Act, was also in



pursuance of a C.B.I. Case No. R.C. 01 (s)/2018 in which a search warrant had been issued against the petitioner on 16.08.2018 by the Special Judge, Muzaffarpur under Section 93 of the Cr.P.C.

Learned Senior Counsel for the petitioner submits that pursuant to the aforementioned search warrant, certain recoveries were made from the ancestral home of the petitioner which was in the joint possession of the many of the agnates of the petitioner and, therefore, any such recovery made, could not be squarely saddled on the shoulders of the present petitioner. He further submits that the alleged recoveries which, as per seizure-list are indicated hereunder:-

“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.”

These were allegedly recovered from the room of the house of the petitioner which was alleged to have been kept in a steel trunk and later, on verification, were found to be in a live condition. Learned Senior Counsel for the petitioner further



submits that such recoveries were not made in the presence of the petitioner and it has well come on record that the premises was a large property which was in joint possession. It was after considering such facts and circumstances that the wife of the present petitioner who had been taken into custody was granted similar relief in Cr. Misc. No. 14952 of 2019 vide order dated 12.03.2019.

Learned Senior Counsel for the petitioner submits that so far as the earlier criminal antecedent of the petitioner is concerned, the said case was lodged in the year 1983 itself and the matter had come up before this Court. The order taking cognizance in the said case was quashed by this Court in Cr. Misc. No. 7324 of 1984 vide order dated 12th of July, 1990. The said order has been marked as Annexure-2 to the present application and, therefore, in the present scenario, it cannot be said that the petitioner was having any criminal antecedent. This fact was not known on the earlier occasion and, therefore, could not be resisted at the time of consideration of the bail of the present petitioner and, therefore, ground was *non est* on the date of rejection of bail application.

Learned Senior Counsel for the petitioner further submits that under such changed circumstances may now be



considered for taking into consideration the payer for bail of the present petitioner, as he has stayed in bail for almost 10 months and his wife, a similarly situated co-accused persons has also been granted bail by this Court as referred to above, as has been submitted at paragraph No. 34 and a copy of the order passed in Cr. Misc. No. 14952 of 2019 dated 12.03.2019 has been produced before this Court.

A supplementary affidavit has also been filed in this case through which it has been brought on record that in R.C. 01 (s)/2018, the petitioner has not been issued memo till date and he has a clean antecedent.

Learned counsel for the State Shri Bhanu Pratap Singh submits that the prayer for bail had been rejected earlier on account of his antecedent but now the said ground does not exist.

Considering the aforementioned facts and circumstances and that the petitioner has already remained in custody for over 10 months, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Begusarai, in connection with Cheriya Bariyarpur P.S. Case No. 143/2018,



subject to the following conditions:-

(1) One of the bailors will be a blood relatives which may be his son, daughter, brother, sister or any such person.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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