

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13250 of 2021

Arising Out of PS. Case No.-281 Year-2020 Thana- ALOULI District- Khagaria

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1. Sarojani Devi, Wife of Mahendra Sharma, Resident of Village North Chhilkauri, P.S. Alauli, District Khagaria.
 2. Vikash Kumar, Son of Mahendra Sharma, Resident of Village North Chhilkauri, P.S. Alauli, District Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-11-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in Alauli P.S. Case No.281 of 2020, registered for the offences punishable under Sections 25(1-AA)/26(i)(ii)/35 of the Arms Act.

The prosecution case, in brief, is that on 11.09.2020 at about 10.40 p.m., the police got information that accused Mahendra Sharma is involved in manufacturing of illegal arms in his house along with his other family members. The police raided the place and arrested two persons. After search, illegal arms, live cartridges, rod pipe etc. were recovered from the house. Some other equipment were also found which are used in



manufacturing of arms.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are in custody since 12.09.2020 and they have got no criminal antecedent. It is further submitted that charge has already been framed.

Learned counsel for the State opposed the prayer for bail of the petitioners and submitted that according to the seizure list, altogether 28 materials and other articles were recovered from the place which were being used for manufacturing of illegal arms. Some complete and and incomplete arms, live cartridges, pipe, rod etc. were recovered from the place of occurrence.

Having considered the fact that charge has already been framed, petitioners, above named, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No.281 of 2020, subject to the conditions:

- (i) That one of the bailors will be a close relative of



the petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. He will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, their bail bonds shall be liable to the cancelled.

(iii) That the petitioners will mark their attendance in the local police station in the first week of every month till conclusion of the trial, failing which the prosecution will be at liberty to move for cancellation of their bail bonds.

(iv) That the bailors shall also state on affidavit that he will inform the court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J.)

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