

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39100 of 2020**

Arising Out of PS. Case No.-222 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

BUDHAN SHARMA son of Late Gangadhar Sharma Resident of Village-
Nidhua, P.S. Buxar (M), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Balmukund Prasad Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 10-02-2021 Learned counsel for the petitioner undertakes to
remove the defects, if any, within four weeks after start of
normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Buxar (M) P.S. Case No.222 of 2020 registered
for the offences punishable under Sections 25(1-b)a, 26 and 35
of the Arms Act.

Learned counsel for the petitioner submits that the
recovery of rifle has been made from the house of co-accused
Rajesh Singh and not from the possession of this petitioner and
the only allegation against him is that he was present in the said
house when the raid was conducted. Learned counsel submits



that the petitioner being carpenter had gone to the house of said Rajesh Singh for doing some work and he has no connection with the alleged recovery of arms of one country made rifle and a country made pistol with two live cartridges.

Learned counsel submits that the petitioner has otherwise no criminal antecedent and he has remained in jail in connection with this case since 17.07.2020.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, but has not shown any other material connecting the petitioner with the said Rajesh Singh in the matter of the alleged seizure of arms i.e. one country made rifle and a country made pistol with two live cartridges.

Having regard to the facts and circumstances of the case wherein the recovery of rifle has been made from the house of co-accused Rajesh Singh and not from the possession of this petitioner, the only allegation against the petitioner is that he was present in the said house when the raid was conducted, the submission is that the petitioner being carpenter had gone to the house of Rajesh Singh for doing some work, learned APP for the State has not shown any other material connecting the petitioner with said Rajesh Singh in the matter of the alleged seizure of one country made rifle and a country made pistol with



two live cartridges, the petitioner has otherwise no criminal antecedent, he has remained in jail in connection with this case since 17.07.2020, investigation against him is complete and there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No.222 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

