

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4649 of 2021**

Arising Out of PS. Case No.-463 Year-2020 Thana- GHOSI District- Jehanabad

1. SWEETI KUMARI w/o Niraj Sharma R/o village- Damaua, p.s. Ghosi, Dist.- Jehanabad
2. CHANCHALA DEVI w/o Ran Vijay Sharma @ Lal Sharma R/o village- Damaua, p.s. Ghosi, Dist.- Jehanabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar, Advocate  
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2      22-02-2021                      Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

The petitioners, in the present case, are seeking regular bail in connection with Ghosi P.S. Case No. 463 of 2020 registered for the offence under Sections 414, 420, 468, 386/34 of the Indian Penal Code and Section 25(1-b)a/26/35 of Arms Act.

Learned counsel for the petitioners submits that as per allegations when the police party raided the house in which these petitioners who are female members of the family were residing, the police, in presence of two independent witnesses, recovered one country made pistol, cash Rs. 3,53,031/- and one



ring from the western room of the house. Further in course of search when the informant reached near the north-west room, petitioner no. 2, namely, Chanchala Devi intervened and objected but with the help of lady constable the informant searched the room from where one pistol loaded with five cartridges and eight live cartridges were recovered from the rack of the room and one cut rifle without bolt was recovered from east-west side of the room. One mobile and some other articles relating to cleaning of arms had also been recovered. It is further alleged that four mis-fired cartridges and nine empty cartridges of eight mm and two live cartridges and cash of Rs. 8,42,000/- were recovered from the almirah of the southern room of the dalan. Two tractors and one blue coloured Glamour motorcycle was recovered. On query both the petitioners admitted that the recovered cash, arms and cartridges were kept by accused Niraj Sharma and Ran Vijay Sharma.

Learned counsel for the petitioners had taken time on the last date when the matter was taken up to seek instruction as to whether the main accused Niraj Sharma has surrendered in this case or not. Today this Court has been informed that Niraj Sharma who is husband of petitioner no. 1 has surrendered in connection with the present case.



This Court has been further informed that the petitioner no. 1 has given birth to a child in the jail itself about 22 days back and she is required to take care of the newly born child together with her mother-in-law who is petitioner no. 2. There is no chance of absconding in course of trial and their appearance may be secured, they have otherwise no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners, however considering the facts and circumstances of the case, wherein these petitioners are the ladies members of the family and the allegations against them is that they were aware of the fire arms but had not disclosed it to the investigating agency and then in further consideration that petitioner no. 1 has recently given birth to a child and the main accused Niraj Sharma has already surrendered, let the petitioners above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S. Case No. 463 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 before accepting the bail bond of these petitioners, the learned court below shall verify the veracity of the statement that the main accused Niraj Sharma has already surrendered in connection with the present case and only on being satisfied that he has surrendered, the bail bonds of these two petitioners shall be accepted.

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



verification.

The application stands disposed of accordingly.

**(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'.

