

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4758 of 2022

Arising Out of PS. Case No.-269 Year-2021 Thana- RAGHOPUR District- Supaul

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Ashok Sharma Son of Munilal Sharma Resident of Village - Dharahara, Ward
No.07, P.O.- Ganpatganj, P.S.- Raghopur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Raghopur P.S. Case No. 269 of 2021 registered for the offence
under Sections 25(1-a), 25(1-B)a and 26 of the Arms Act.

The petitioner is named in the FIR and is in
custody since 02.10.2021.

The accusation against the petitioner is of illegal
manufacturing of fire arms and cartridges.

Learned counsel appearing on behalf of the
petitioner submitted that the alleged recovery has not been from
the conscious possession of the petitioner, as same has been



recovered from the house of the petitioner, which is jointly occupied with the family members of the petitioner. It is submitted that nothing surfaced during course of the investigation, which may connect the petitioner with the manufacturing activities of illegal fire arms. He has further been submitted that the petitioner is a man of clean antecedent and also charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that alleged recovery has not been made from the physical or conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from the physical or conscious possession of the petitioner coupled with the fact that the petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Raghapur P.S. Case No. 269 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Birpur at Supaul subject to the following conditions:

“(i) Petitioner shall cooperate in the trial and shall be



physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be brother-in-law (*Sala*) of the petitioner, namely, Subodh Kumar Sharma, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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