

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5088 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- RANIGANJ District- Araria

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Raja Kumar S/O Late Sarjug Yadav Resident Of Village- Phulkaha, P.S.-
Gamhariya, District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Md. Aslam Ansari

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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

Raniganj P.S. Case No. 172 of 2021 registered for the offence

under Sections 307 and 34 of the IPC and Sections 25(1-B)/a,

26, 27 and 35 of Arms Act.

The petitioner is named in the FIR and is in

custody since 23.06.2021.

The allegation against the petitioner is to have in

possession of illegal country made pistol and cartridges.

Learned counsel appearing on behalf of the

petitioner submitted that no case is made out under Section 307



of the IPC from bare perusal of FIR. It has also been submitted that recovery of alleged fire arm is made from open field as it appears from seizure list. While arguing over the matter, it 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 conscious possession of the petitioner.

In view of the facts and circumstances as mentioned above, as alleged fire arm has not been recovered from the possession of the petitioner having nothing to suggest on its face that petitioner was under intention to cause death, let the petitioner, above named, is directed to be released on bail in connection with Raniganj P.S. Case No. 172 of 2021 (ST No. 228 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 Additional Sessions Judge, Araria 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 wife of the petitioner, namely, Asha Devi, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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