

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6274 of 2022

Arising Out of PS. Case No.-382 Year-2021 Thana- KORHA District- Katihar

Barun Sharma S/O Late Sukhdeo Sharma Resident Of Village- Badi Bhains
Diara, P.S.- Barari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-09-2022 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 Korha
P.S. Case No. 382 of 2021 registered for the offence under
Sections 414, 411, 413 and 34 of the Indian Penal Code and
under Section 25(1-AA), 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.09.2021.

The allegation against the petitioner is to have in
possession of one stolen motorcycle, one country made pistol,
one live cartridge and certain materials, which alleged to be
used for manufacturing of country made pistols and cartridges.



Learned counsel appearing on behalf of the petitioner submitted that alleged stolen motorcycle belongs to brother-in-law of the informant. It is submitted that alleged seizure list is not supported by independent witnesses rather by police personnel, creating a doubt over entire seizure. It is further submitted that alleged recovery was made from the house, which is jointly occupied by other family members and, as such, it cannot be said that alleged recovery was made from the conscious physical possession of this petitioner, who is a man of clean antecedent. While concluding the argument, it is submitted that investigation is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovery not appears from the conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Korha P.S. Case No. 382 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 C.J.M., Katihar/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/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.

(iii) That one of the bailors shall be Renu Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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