

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6914 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- BRAHMPUR District- Buxar

=====

MADAN SONAR @ MANISH VERMA Son of Late Saryu Prasad Resident
of Village - Badkadiya, P.S. - Krishna Braham (Brahmpur) District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Ramchandra Singh

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-09-2022 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 Brahampur (Krishna Braham) P.S. Case no. 405/2021 registered for the offence under Sections 25(1-b) a/26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 24.08.2021.

The allegation against the petitioner is to have in possession of three country-made pistol, alongwith 17 cartridges, which were recovered from his house, in furtherance of confessional statement, while apprehended in Buxar P.S. Case No. 603 of 2019.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the house, which is jointly occu-



pied by five brothers of this petitioner and also other family members and, as such, it cannot be said that fire arms were recovered from the conscious possession of this petitioner. It is further pointed out that implication of petitioner is for the reason, as he involved in 18 more criminal cases, where in 4 cases, petitioner has already been acquitted and in rest of 14 cases, he is on bail, where maximum implication is on the basis of confessional statement/self-confession. While concluding the argument, it has been submitted that investigation has been completed, 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 recovery was not appears to be made from conscious possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Brahampur (Krishna Braham) P.S. Case no. 405/2021 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 Buxar/concerned court, subject to the following conditions:

“(i) That the accused/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 Indrajeet Prasad Soni, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

