

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6924 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- HARNAUT District- Nalanda

Sanjay Ram son of Golu Ram Resident of Village - Murhari, Police Station -
Harnaut, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Sharma, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Harnaut
P.S. Case No. 178 of 2021 registered for the offence under
Sections 353 and 307 of the Indian Penal Code and Sections
25(1-b)a, 26, 27 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.05.2021.

The allegation against the petitioner is to have in
possession of one country made rifle, two live cartridges and
one empty cartridge, with further allegation to open fire upon
police personnel, alongwith other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that the allegation of firing is not specific against this petitioner and, moreover, no fire arm injury was caused and just to make the allegation more aggravated, the allegation of firing was made against this petitioner. It is further pointed out that petitioner was alleged to be apprehended with the arms, while running away, after committing the offence, which was registered as Harnaut P.S. Case No. 177 of 2021, where petitioner is on bail. It is further submitted that in the aforesaid matter, the allegation of firing was against other co-accused, and, as such, possession of fire arm against this petitioner is highly improbable. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as allegation of firing is not specific against this petitioner, where he is in custody since 04.05.2021 coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Harnaut P.S. Case No. 178 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 1st Additional Sessions Judge, Nalanda at
Biharsharif/concerned Court, subject to the conditions as laid
down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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