

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7571 of 2022

Arising Out of PS. Case No.-174 Year-2021 Thana- ARA NAGAR District- Bhojpur

Rahul Dom S/o Late Magaru Dom R/o village- Dharhara Nehar Dom Toli,
Ward No. 34, P.O.- Ara, P.S.- Ara Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-08-2022 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 Ara
Nagar P.S. Case No. 174 of 2021 registered for the offence
under Sections 25(1-b)a and 26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.05.2021.

The allegation against the petitioner is to have in
possession of one country made pistol and front part of a live
cartridge.

Learned counsel appearing on behalf of the petitioner
submitted that, admittedly, from perusal of the F.I.R., it appears
that at the time of search of the house, petitioner was not present



thereof. It is submitted that the said house of the petitioner is occupied by different family members, where recovery of pistol was made under bed. It is also submitted that recovery of pistol cannot be said to be made from the conscious physical possession of the petitioner. 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, while opposing the prayer of bail, fairly conceded that seizure was made in absence of petitioner, as per F.I.R.

Considering the facts and circumstances as mentioned above, as recovery of country made pistol cannot be said to be made from the conscious physical possession of the petitioner 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 Ara Nagar P.S. Case No. 174 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 Chief Judicial Magistrate-VII, Arah, District- Bhojpur/concerned Court, subject to the following conditions:



“(i) That 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) That 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 the sister of the petitioner.”

(Chandra Shekhar Jha, J)

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