

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9937 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- DIDARGANJ District- Patna

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1. Lagan Deo Singh @ Lakhon Dev Singh S/o Sheotahal Singh R/o village- Mahuli, P.S.- Deedarganj, District- Patna
 2. Kapil Deo Singh S/o Sheotahal Singh R/o village- Mahuli, P.S.- Deedarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate
For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with
Deedarganj P.S. Case No. 221 of 2021 registered for the offence
under Sections 25(1-b)a, 26 and 35 of Arms Act.



The accused/petitioners are named in the F.I.R. and petitioner no.1 is in custody since 25.10.2021 and petitioner no.2 is in custody since 07.12.2021.

The allegation against the petitioners is to have in possession of three country made pistols and four live cartridges.

Learned counsel appearing on behalf of the petitioners submitted that the from bare perusal of the F.I.R., it appears that the recovery has been made from the house of the petitioners, which is jointly occupied by other family members and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioners. It has been submitted that seizure list is disputed, as Section 100 of Cr.P.C. has not been complied with. While concluding the argument, it has been 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, while opposing the prayer for bail, fairly conceded that the recovery has been made from the joint house of the petitioners.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical



possession of the petitioners coupled with the fact that chargesheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Deedarganj P.S. Case No. 221 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna City, subject to the following conditions:

“(i) That accused/petitioners 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 petitioners.

(ii) Accused/Petitioners 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 petitioners, duly supported by the documents.



(iii) That one of the bailors shall be Chandan Kumar, who is the son of petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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