

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11127 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- ANDHRATHARHI District- Madhubani

SHUBHAM MISHRA Son of Sanjay Mishra Resident of Village -
Andhratharhi, P.S. - Andhratharhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha
For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 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
Andhratharhi P.S. Case No. 75/2021, G.R. No. 1035/2021
registered for the offences under Sections 414 of the Indian
Penal Code and 25 (1-b)a/35 of the Arms Act.

The accused/petitioner is named in the F.I.R and is in
custody since 20.06.2021.

The allegation against the petitioner is to have in
possession of country made pistol, as the same has been seized
from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery cannot be said from the physical conscious possession of the petitioner as the same has been seized from the house, which has been jointly occupied by the other members of the family. It has also been submitted that petitioner is a man of clean antecedent and moreover chargesheet has already been submitted in this case as such there is no chance of tampering of evidence.

Learned A.P.P. appearing on behalf of the State while opposing the prayer of bail fairly conceded that recovery is not from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of alleged country made pistol is not from the conscious physical possession of the petitioner coupled with the fact that the chargesheet has already been submitted in this case, let the petitioner, above named is directed to be released on bail in connection with Andhrathari P.S. Case No. 75/2021, G.R. No. 1035/2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M.-I, Jhanjharpur, District-Madhubani, subject to the following conditions:

“(i) 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 petitioner only duly supported by the documents.

(iii) That one of the bailor shall be Reeta Devi, who is the mother of the petitioner and deponent of present bail petition.”

(Chandra Shekhar Jha, J)

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