

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11087 of 2022

Arising Out of PS. Case No.-184 Year-2021 Thana- BIHRA District- Saharsa

1. Karan Kumar @ Karan Kamat Son of Sajjan Kamat Resident of Village- Bara, P.S.- Bihra, District- Saharsa.
2. Amarjit Kumar @ Amarjit Kamat @ Bouku Kamat Son of Lalan Kamat Resident of Village- Bara, P.S.- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2022 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 Bihra P.S.
Case No. 184 of 2021 registered for the offence under Sections
25(1-B)a, 26 and 35 of the Arms Act.

The accused/petitioners are named in the F.I.R. and is
in custody since 13.09.2021.

The allegation against the petitioners is to have in
possession of illegal fire arms and there is recovery of one
country made pistol from petitioner no.1 and one live cartridge



from petitioner no. 2.

Learned counsel appearing on behalf of the petitioners submitted that recovery cannot be said from the conscious physical possession of both the petitioners. It has been submitted that mandatory provision of Section 100 Cr.P.C. was not complied with as regard to seizure. It has also been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Criminal Misc. No.6113 of 2022 dated 13.06.2022. It has also been submitted that both the petitioners involved in two criminal cases. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as recovery of fire arms has not been made from the conscious physical possession of the petitioners, seizure list is disputed coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Bihra P.S.



Case No. 184 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 Chief Judicial Magistrate, Saharsa, subject to the following conditions:

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

(iii) That one of the bailors shall be Bajo Devi, who is the mother of the petitioner no.2 and deponent of the present bail petition.”

S.Katyayan/
R.S.Sen/-

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(Chandra Shekhar Jha, J)

