

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62932 of 2021

Arising Out of PS. Case No.-469 Year-2021 Thana- BIHTA District- Patna

SUBHASH PRADHAN Son of Jagdish Pradhan Resident of Village -
Ramdatahi, P.S.- Karnamepur O.P., Distt.- Bhojpur , At Present R/o mohalla-
Seo Sakti Nagar, P.S.- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect (s), if any, be removed within two weeks.

The petitioner, who is in custody since 10.07.2021, seeks
regular bail in connection with Bihta P.S. Case No. 469 of 2021, for
the offence punishable under Sections 25(1-b)a, 26 and 35 of the
Arms Act.

The prosecution case, in brief is that the informant
Awadhesh Kumar Jha, who happened to be the S.H.O. of Bihta
P.S., Patna lodged the instant case, on the basis of his self
statement, alleging therein that on 08.07.2021, when he was
discharging his duty in the police station, then one accused Jai
Pukar Rai was brought after arresting, who disclosed that he along
with the petitioner indulged in smuggling of illegal arms and
ammunition and on his instance, a raid was conducted upon the



house of the petitioner, who was arrested while fleeing away from his house and after search of his house, four country made pistol and several cartridges were recovered as mentioned in the seizure list and accordingly, the seizure list was prepared in presence of two witnesses, who made their signatures upon the seizure list and the copy of the seizure list was handed over to the accused petitioner in accordance with law.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner and he resides in the same building in which other family members also residing. Admittedly, the fire arm was recovered from second floor of the said house and petitioner has no concern as he resides in the ground floor of the house. He further submits that his name has been surfaced on the basis of confessional statement of co-accused, Jai Prakash Rai, which has no evidentiary value and petitioner is in custody since 10.07.2021 and there is no allegation of tampering the evidence or influencing the witnesses and the trial Court has also observed in the impugned order that the trial is going to be concluded within a period of six months.

Learned A.P.P. for the State has opposed the payer for grant of bail to the petitioner.



Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Danapur, Patna, in connection with Bihta P.S. Case No. 469 of 2021, subject to the following conditions :-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

sanjeev/-

U		T	
---	--	---	--

