

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12032 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- SAKURABAD District- Jehanabad

Munna Kumar @ Ranjan Kumar Son of Amrendra Yadav @ Amar Yadav
Resident of Village - Mirganj, Police Station - Shakurabad in the district of
Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-11-2022 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
Shakurabad P.S. Case No. 178 of 2021 registered for the offence
under Sections 25(1-B)a, 26 and 35 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.11.2021.

The allegation against the petitioner is to have in
possession of one country made pistol along with 18 (eighteen)
cartridges.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of pistol and cartridges were made from jointly occupied house of this petitioner, which is accessible by all the family members and as such it can be safely gathered that recovery of alleged pistol and cartridges was not made from conscious physical possession of this petitioner. It is further submitted that the seizure list of fire arms not supported by independent witnesses, rather by police personnels, which creates further doubt regarding entire seizure/recovery. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged fire arms not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 06.11.2021, let the petitioner, above named, is directed to be released on bail in connection with Shakurabad P.S. Case No. 178 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 Judicial



Magistrate, 1st Class, Jehanabad/concerned Court, subject to the conditions as follows:

“(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 Ranjay Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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