

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12308 of 2022**

Arising Out of PS. Case No.-127 Year-2021 Thana- MATIHANI District- Begusarai

Gulshan Kimar S/o Satish Singh @ Chhatish Singh R/o village- Ramdiri
Nakti Tola, P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Advocate
	:	Mr. Saroj Kumar, Advocate
	:	Mr. Sunil Yadav, Advocate
For the State	:	Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-07-2022 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 Matihani
P.S. Case No. 127 of 2021, registered for the offence under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.10.2021.

The allegation against the petitioner is to have in
possession of illegal fire arm i.e. one loaded country made
pistol.

Learned counsel appearing on behalf of the petitioner
submitted that for previous enmity with police personnel, due to
local issues, the petitioner alongwith own brother has been



falsely implicated in this case. It is submitted that alleged recovery is not from the conscious physical possession of the petitioner and, moreover, seizure list is disputed and is not supported by independent witnesses, which is an admitted position, as per seizure list. While concluding the argument, it is 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 of bail, fairly conceded that the seizure list is not supported by the independent witnesses.

Considering the facts and submissions, as mentioned above, as the seizure list is disputed, which is not supported by independent witnesses coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Matihani P.S. Case No. 127 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, Begusarai, subject to the following conditions:

“(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) 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 Dayashankar Singh, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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

