

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13674 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- PAHARPUR District- East Champaran

JHUNNA KUMAR Son of Subhash Baitha Resident of Village English, P.S.
Paharpur, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 01-08-2022 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 Paharpur
P.S. Case No. 1 of 2022 registered for the offence under
Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 67 of
CDIT Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.01.2022.

The allegation against the petitioner is to appear in a
photo, showing himself, in possession of one pistol along with 6
live cartridges.

Learned counsel appearing on behalf of the petitioner



submitted that allegation against the petitioner is limited only to post a photograph on social media with one pistol along with 6 live cartridges, keeping in his hand and on the basis of same photograph, the petitioner has falsely been implicated in the present case. It is submitted that no fire arms as alleged, recovered from the conscious physical possession of the petitioner, as per seizure list, which shows the recovery of only print out of the said photograph. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that this is not a case of recovery of fire arms.

Considering the facts and circumstances as mentioned above, as there is no recovery of fire arms from the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Paharpur P.S. Case No. 1 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East



Champaran at Motihari/concerned court 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 the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Subhash Baitha, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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