

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14192 of 2022

Arising Out of PS. Case No.-524 Year-2021 Thana- CHANPATIA District- West Champaran

Rajmohan Kumar Son Of Late Mahesh Sah R/O Village- Ranipur, P.S.-
Chanpatia (Kumarbag), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chanpatia
(Kumarbag) P.S. Case No. 524 of 2021 registered for the
offence under Sections 25(1-B)a, 26 and 35 of the Arms Act,
1959 and Section 37(c) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.11.2021.

The allegation against the petitioner is to have in
possession of one country-made pistol, one live cartridge and



one motorcycle bearing Registration No. BR22AK-1452.

Learned counsel appearing on behalf of the petitioner submitted that the alleged motorcycle was jointly occupied by other co-accused persons, as such, it cannot be said that recovery of firearms was made from the conscious physical possession of the petitioner. It has been submitted that admittedly, this is not a case of recovery of illicit liquor and allegation is limited only that petitioner is involved in one more criminal case, in which he is on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has 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 motorcycle was jointly occupied by other co-accused persons.

Considering the facts and circumstances as mentioned above, as recovery of alleged firearms cannot be said from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chanpatia (Kumarbag) P.S. Case No. 524 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 Special Judge, Excise, West Champaran at Bettiah, subject to the following conditions:

“(i) That 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 Ranjeet Sah, who is the full brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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