

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16288 of 2022**

Arising Out of PS. Case No.-382 Year-2021 Thana- RAJGIR District- Nalanda

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Anil Kumar @ Anil Sharma Son of Someshwar Sharma Resident of Village -
Musepur Khaira, P.s.- Daudnagar, and Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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

3 29-11-2022 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 Rajgir
P.S. Case No. 382 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 02.10.2021.

The allegation against the petitioner is to have in
possession of 200 live cartridges, 2 country made pistols and 4
magazines.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner is not connected in any manner



with motorcycle and alleged bag and, as such, it cannot be said that the recovery of fire arms were made from the conscious physical possession of this petitioner. It is further submitted that, as petitioner found involved in 4 cases which is of year 2007-08, the name of petitioner surfaced in present case otherwise, no bearing over the merit of this case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the accusation, where petitioner is in custody since 02.10.2021 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 Rajgir P.S. Case No. 382 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 Chief Judicial Magistrate, Nalanda at Biharsharif/concerned Court, subject to the following conditions:

“(i) That the 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
deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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