

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17169 of 2022

Arising Out of PS. Case No.-260 Year-2021 Thana- HALSI District- Lakhisarai

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Shyam Kishor Saw @ Shyam Kishore S/o- Chandra Shekhar Saw @ Chandra Shekhar Verma @ Chendra Shekhar Verma Resident of Village - Sirkhindi, P.S. - Halsi, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar. Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 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 Halsi P.S. Case No. 260 of 2021 registered for the offence under Sections 272 and 273 of the Indian Penal Code, Section 30(a) of Bihar Prohibition and Excise Act and 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 13.12.2021.

The allegation against the petitioner is to have in possession of illegal country made pistol alongwith six live



cartridges.

Learned counsel appearing on behalf of the petitioner submitted that the recovery cannot be said from the possession of the petitioner, as per seizure list. It is submitted that compliance of Section 100 of Cr.P.C. has not been complied with, while searching and preparing the seizure list. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 for the State, vehemently, opposes the prayer of bail of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Halsi P.S. Case No. 260 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 Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Judge, Court No.1,



Lakhisarai, 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 Deepak Prasad Verma, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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