

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24702 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- BEN P.S. District- Nalanda

HIRA RAM Son of Late Janki Ram R/o Village - Bulla Bigaha, P.S.- Ben,
District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Madhukar Anand, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

A supplementary affidavit has been filed on behalf of
the petitioner bringing on record that on account of inadvertence
the criminal antecedent of the petitioner could not be mentioned,
however, the petitioner is found involved in one another case,
which has been mentioned therein.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Ben P. S. Case No. 16 of 2022 registered



for the offences punishable under Sections 25 (1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that on a confidential information, the Police raided the house of one Niranjana Ram and on search, one country-made rifle, one country-made pistol, two live cartridges and one empty cartridge were recovered.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that the raid was conducted to the house of co-accused Niranjana Ram and this petitioner being father of the co-accused has been made accused in this case. It is further submitted that there are various other irregularities in the preparation of the seizure list in as much as neither section 100 Cr.P.C. nor the any mandatory provision of the police manual has been followed. It is next submitted that this petitioner is aged about 85 years and save and except Ben P. S. Case No. 15 of 2022 for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, instituted on the same day, there is no other criminal antecedent of the petitioner. It is lastly submitted that this petitioner is in custody since 05.02.2022 and the investigation of the crime is already completed and charge sheet has been



submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that one country-made rifle, one country-made pistol, two live cartridges and one empty cartridge were recovered from the house of the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from joint family possession and this petitioner is aged about 85 years and is in custody since 05.02.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -I, Bihar Sharif, Nalanda in connection with Ben P. S. Case No. 16 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of



trial till disposal of the case.

- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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