

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29459 of 2022

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

Niranjan Ram Son Of Hira 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. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Ben
P.S. Case No.16 of 2022 registered for the offences under
Sections 25 (1-B) a, 26 and 35 of the Arms Act.

As per the allegation, one country-made rifle, one
country-made pistol, two live cartridges and one empty
cartridge were recovered from the rack of house of this
petitioner when the police raided his house on receiving a tip.

The main submissions advanced by the learned
counsel Mr. Madhukar Anand for the petitioner are that there is



nothing to show that the petitioner was in active and conscious possession of the recovered fire-arms as the house from where the alleged recovery was made is occupied by more than one male member and also there is nothing in the seizure list to show that the alleged recovery was made from the house of the petitioner. Further submission is that the alleged seizure is in violation to Rule 165 (e) and (f) of Bihar Police Manual and the co-accused Hira Ram has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order passed in Cr. Misc. No. 24702 of 2022 and the petitioner has been languishing in jail since 05th February. 2022

Learned APP Mr. Awadhesh Kumar Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the seizure list attached to the FIR. Allegedly from the house of this petitioner a country-made rifle and a country-made pistol were recovered along with two live cartridges. The petitioner has mainly taken the defence that the alleged recovery of fire-arms is completely suspicious as in the seizure memo the place from where the said recovery was made has been shown as Gram Bulla Bigaha and there is no mention of petitioner's house in the said seizure memo and in this regard the learned counsel for the



petitioner has drawn the attention of this Court to the said seizure memo and this court finds substance in the said defence. Moreover, one co-accused Hira Ram who is stated to be father of this petitioner has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 24702 of 2022 and the petitioner has been languishing in jail since 05th February, 2022 and he has taken the plea that the alleged house from where the recovery of fire-arms is stated to have been made is in joint possession of several family members of this petitioner. Petitioner has been chargesheeted and his case is at initial stage of trial. Considering these facts as well as above submissions, and mainly taking into account the petitioner's case being similar to co-accused who has been granted bail by a co-ordinate bench of this Court, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Ben P.S. Case No.16 of 2022, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner other than Ben P.S. Case No. 15 of 2022 is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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